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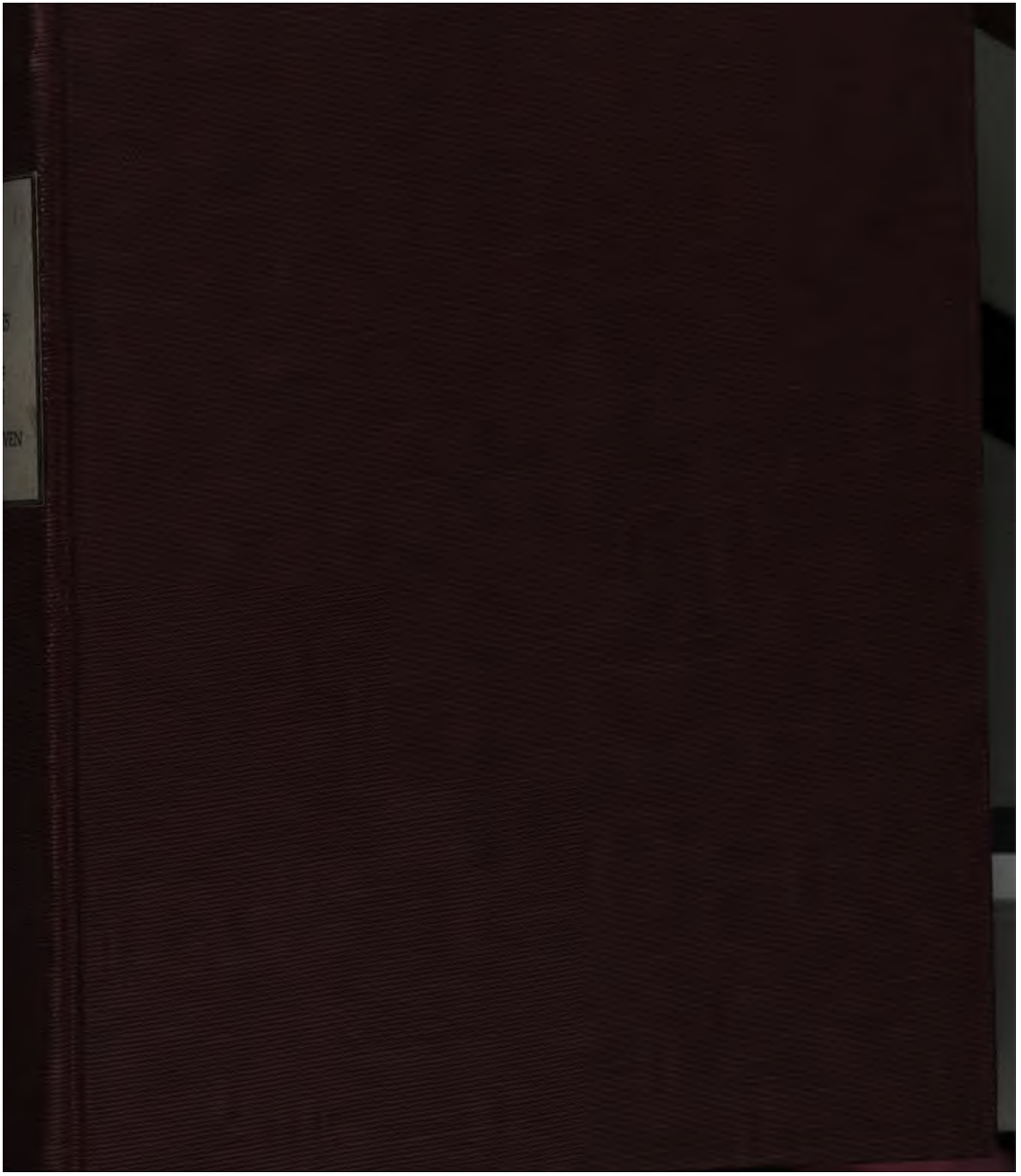

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DAVID, THIRD EARL OF LEVEN;
COMMANDER IN CHIEF IN SCOTLAND.
BORN 5TH MAY 1660 DIED 6TH JUNE 1728.

THE MELVILLES

EARLS OF MELVILLE

AND THE LESLIES

EARLS OF LEVEN

BY

SIR WILLIAM FRASER, K.C.B., LL.D.

IN THREE VOLUMES

VOLUME THIRD—CHARTERS

EDINBURGH—MDCCCXC

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ABSTRACTS OF CHARTERS

OF

THE MELVILLES OF MELVILLE

AND OF

THE LESLIES OF LEVEN.

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1. Charter by King William the Lion granting and confirming to Galfrid of Mala Villa [Melville] and Gregory his heir, the land which Malbeth held in Liberton, by the marches by which Malbeth held it, and the land of Lecbernard by its right marches: To be held to him and his heirs, of the granter and his heirs, as freely and quietly and with the same condition and service as the charter of King Malcolm, his brother, testifies. Witnesses, Nicholas, chancellor, Earl Waldeve, David Olifard, Philip de Valoniis, chamberlain, Richard, chaplain, Richard Cumin, Friar William Dolepene, Jordan of Ord. At Linlithgow [1165-1170], ... 1

2. Charter by King William the Lion granting to Gregory of Maleuin [Melville] Grendun [Granton] by its right marches, in excambion for the two carucates of land that King Malcolm, his brother, gave to him in Edenham [Ednam]: To be holden to him and his heirs, of the king and his heirs, with quittance of the multure of his demesne house, in fee and heritage, for the service of one archer, with horse, in the royal host. Witnesses, David, the king's brother, Nicholas, chancellor, Earl Waldeve, David Olifarde, justiciar, Philip de Valoniis, chamberlain, Gilbert, son of Richard, Robert de Quinci, William de Hay, William of Lindesi, Robert Fitz-Urse, Walter of Berkelai. At Berwick [1165-1170], ... 2

3. Charter by King William the Lion granting and confirming to Richard, son of Gregory of Melville, Grendun, by its right marches, in excambion for the two carucates of land, which King Malcolm, his brother, gave to his father in Edenam: To be held to him and his heirs of the king and his heirs, in fee and heritage, as the king's charter to the said Gregory witnesses; saving the king's service. Witnesses, Earl David, the king's brother, Walter Olifarde, William of Lindesai,

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Robert de Lundoniis, William of Hay, William Giffarde, Malcolm, son of Earl Duncan. At Kinghorn [1165-1189], ... 2

4. Charter by Richard, son of Gregory of Melville, granting and confirming the agreement made between Galfrid of Melville and Matilda Malherbe, his mother, by which the latter quitclaimed the half of Retreuin [Tartraven], which was her dowry, and received the land of Stanhouse in exchange: To be holden by the same marches by which Gregory, his father, held the land of Stanhouse, and otherwise as the writing made between them testifies. Witnesses, Walter Olifarde, William of Lindezai, Robert of Lundoniis, William of Hay, William Giffarde, Malcolm, son of Earl Duncan, and David, his brother. [1165-1189], ... 2

5. Charter by King William the Lion confirming the grant which Richard of Maleuilla made to Galfrid of Melville, his uncle, son of Matilda Malherbe, to wit, the whole land of Grendun, by its right marches, the whole land of Stanhouse, by the marches by which Gregory, father of the foresaid Richard, held them, and the land that Richard Hangedeul held, by its right marches: To be held to him and his heirs, of the foresaid Richard and his heirs, in fee and heritage, etc., as the charter of the said Richard witnesses, saving the king's service. Witnesses, Earl David, Earl Duncan, Walter Olifarde, William of Lindesai, Alexander of St. Martin, Hugh Giffarde, Robert of Lundoniis, Robert of Berkelai, Walter of Berkelai, chamberlain, Malcolm, son of Earl Duncan. Kinghorn [1165-1189], ... 3

6. Charter by King William the Lion granting to Richard, son of Gregory of Melville, the land near the house which belonged to Malbet Bere in Liberton, which Galfrid of Melville held in the time and by the gift of King Malcolm, the granter's brother: To be held to him and his heirs, of the king and his heirs, as the charter of King Malcolm given to Galfrid of Melville thereupon testifies; saving the king's service. Witnesses, Earl David, the king's brother, Walter Olifarde, William of Lindesai, Robert of Londoniis, William of Hay, Malcolm, son of Earl Duncan. Kinghorn [1180-1190], ... 3

7. Charter by King William the Lion granting and confirming to Richard of Melville, son of Gregory, in fee and heritage, the land which Malbet held in Liberton, by the same marches by which the said Malbet held it, and the land of Lecbernard by its right marches: To be held to him and his heirs, of the king and his heirs, for the same condition and service as the charter of King Malcolm, his brother, given to Galfrid and Gregory of Melville testifies. Witnesses,

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Earl David, the king's brother, Robert of Londoniis, Walter Olifarde, William of Lindesai, William of Hay, Robert, the king's chaplain, Richard of Prebend, and William Maluesin, the king's clerks. Kinghorn, *circa* 1190, ... 4

8. Charter by Reginald Prat of Tynedale granting to Richard of Melville, with Margaret, his daughter, Morgunessete [Muiravonside], in free marriage, by those marches, to wit, as the old way goes to Sauelmesforde as far as St. Morgan's seat, and from the seat to the stone which the foresaid Richard set up by the advice of the foresaid Reginald, and from the foresaid stone as Witherlem holds to the high way on the west side of Armethe, and as the way goes to the stream flowing from Monecapel, and from Monecapel westwards to the head of the stream flowing as far as South Moss, and as the moss and dry land extend to the rock on the west side of the moss, and from the moss to the little black mount, and from the mount to the west side of the Craig of Morgunessete, and as the craig and dry land extend eastward to the stream flowing from the craig and as the stream flows as far as Avon: To be held to him and his heirs, of the granter and his heirs, in fee and heritage, and with the common pasture of Manuel. Witnesses, Simon of Hal, William of Haweltun, David of Graham, Randulf, son of Simon, John Prat, Reginald, his brother, Peter, the chaplain, Malcolm, Thane of Calentar, John, son of Gilbriht, Gerard Prat, Richard Palmer, Isaac, his son, Walter of Pollemont, Godwin, son of Suan, Adam, son of Stan, William, his son, Jurdan, Elyas, client of the king. [1189-1199]..... 4

9. Charter by King William the Lion confirming the grant which Reginald Prat made to Richard of Melville, of the land of Murganesete, which Reginald gave to the foresaid Richard with Margaret, his daughter, in free marriage: To be held to him and his heirs, of the foresaid Reginald and his heirs, as the charter of the foresaid Reginald testifies, saving the king's service. Witnesses, Hugh, chancellor, William Cumin, Malcolm, son of Earl Duncan, William of Hay, Gervais Auenel, Henry, the physician, Hugh of Kaledoure, Simon of Hahelton, David of Graham. At Lillidqu (Linlithgow) [1189-1199],..... 5

10. Charter by King William the Lion granting and confirming to Galfrid, son of Richard of Innerkunnigglas, the grant which Patrick, abbot of Dunfermline, and convent thereof, made to him of the land of Balwearie: To be held to him and his heirs in fee and heritage, as freely as the charter of the foresaid Patrick testifies, saving the king's service. Witnesses, William, the king's chaplain, William de Boscho, Master Nicholas, the king's physician, Alexander, son of

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Thorald, Herbert of Chalmer, Adam, his son, John of Striuelin, Richard Reuel. At Clacmanan, 1202-1214, ... 5

11. Charter by Henry, son of Earl David, by which, for the salvation of his own soul, and of the souls of his predecessors and successors, he grants to God and St. Mary and St. Andrew the Apostle, for the sustentation of a chaplain, to serve for ever in the chapel of Inchemartyn within the granter's court, three marks of rent, viz., 20s. from two oxgangs of land which Richard, son of Roger, held of the granter, 10s. from an oxgang held by William Symple, and 10s. from an oxgang held by Alice, the widow, on the day on which the charter was given. The 40s. must be paid in the chapel of Inchmartyn to the said chaplain serving there by those that hold the land, 20s. on St. Martin's day, and 20s. at Whitsunday; in default of which payment on these days or morrow after, the tenants shall be bound to pay six pennies of penalty for every day, and the sum of 2s. for every oxgang of land till the said pennies should be fully paid. Further the said chaplain should have the dwelling house in which John the chaplain was wont to dwell, with the garden and court on the north side of the said dwelling, and a toft on the north near the court of the granter's grange: To be held to the said chaplain serving there, of the granter and his heirs, in pure and perpetual alms, as freely as any alms is held in the region of Scotland. The granter also wills the chaplain to be instituted by the granter or his heirs; or by the keeper of the land if the keeping of it came to another after the decease of the granter or his heirs: and the chaplain to be presented to the bishop of St. Andrews by the granter or his heirs, or the keeper of the land. Witnesses, Gilebert, abbot of Cupar, John, abbot of Lundores, Malcolm of la Hay, parson of Erole, Andrew of Striueling, parson of Inchethor, Robert, vicar of Forgrund, Gilebert of la Hay, Henry of Abernithin, John of Cambrun, Magnus of Monorgrund, Michael of Stratoun. 1st November 1241, ... 5

12. Charter by John of Pincerna, son and heir of Sir John of Pincerna, sometime lord of Elyhoke, selling and confirming to Sir John of Inchemartyn and his heirs for five score pounds sterling, of which he acknowledges the receipt, the whole land, with the pertinents, which the granter had in the tenement of Petmedil by reason of excambion of the barony of Elyhoke, except one acre which he had given to Adam his page (garcioni meo) for his life, after whose death the acre should revert to the said Sir John of Inchemartyn and his heirs: To be held to the said John and his heirs or their assignees

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for ever, as freely as the granter held it. Because his own seal was not well known the granter procures the seal of the deanery of Perth and Gowrie, to be affixed together with his own, at Inchmartin the Lord's day next before the Feast of the Nativity of St. John the Baptist, 21st June 1304. Witnesses, Sir Richard del Hay, Sir Gilbert, his son, Sir John Cambrun, Sir Robert of Harcrasse, then sheriff of Perth, knights; Peter of Brunton, the constable of Perth, Michael Scot, younger, Roger Mortimer, Walter of Alithe, Thomas his son, David of Blar, Edmund of Leys, Andrew of Monorgrund, ... 6

13. Charter by Henry of Melville, son and heir of Raynald of Melville, with consent of Margaret his spouse, granting, and to ferm letting, to John, called son of Moroc, all his land of Torpreke for the term of ten years fully complete, for a mark sterling, to be paid yearly; a half mark at Whitsunday, and a half mark at Martinmas, the entry to begin at Whitsunday 1311. If the said John, his heirs or assignees, were hindered by the common war, so that he or they could not freely enjoy the said land, they were to enjoy the same for so long beyond the term of the lease, the said John to have a preference if the land were sold or wadset: the granter to repay losses and expenses if he contravened the premises, the amount to be estimated at sight of three trustworthy persons. With clause of warrandice. Because the granter's seal was little known he procured the seals of the community of Stirling and of the abbot of Cambuskenneth to be affixed. Witnesses, William Rufus, Christian Louhlan, William of Kincardin, burgesses of Stirling; Patrick, son of Gillaspoc, Michael, son of Gilgrist, William, son of Vat, Adam, son of Malise, Ferbals of Striuelynsir. At Stirling, the Monday next after the Feast of St. Ambrose [5th April] 1311..... 7

14. Confirmation by King David the Second of the gift which John of Inchethure made to Gilbert of Innerlunane of six oxgangs of land in Balgally, with two tofts and two gardens belonging to them: To be held to Gilbert and his heirs and assignees of John and his heirs in fee and heritage, reserving the king's service. Witnesses, William, bishop of St. Andrews, Robert, steward of Scotland, the king's nephew, Duncan, Earl of Fife, John Randolph, Earl of Moray, lord of Annandale and Man, Patrick of Dunbar, Earl of March; Maurice of Moray, Malcolm Flemyng and Thomas of Carnot, chancellor, knights. Dunfermline, 31st December [1342], ... 8

15. Agreement or Indenture made between William, prior of the church of St. Andrews and convent thereof, on the one part, and John of

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Melville, lord of that ilk, on the other part, to the effect that John of Melville, with consent of Thomas of Melville, his son and heir, gave and confirmed to the prior and canons serving God and St. Mary and St. Andrew the Apostle in the kirk of St. Andrews, a half carucate of land from his land and lordship of Prestoun, lying between the land of Rycardystoun on the east side and the land of Estyrhyldcleffe on the west side, and between the land called le Hylle on the south side and the land of Parklyne on the north side, in pure and perpetual alms: To be holden free of all custom, exaction, or secular demand, or the king's forinsec service; the lords of Prestoun for the time answering for such service as belonged to the said half carucate of land. John Melville and his heirs, by special licence of the said religious men, shall have stones from the quarry within the foresaid half carucate of land of Prestoun, for building their own houses in their manor of Prestoun, and free ish and entry thereto. The prior and canons of St. Andrews give and grant to the chaplains serving and to serve God and St. Mary and St. Leonard in the church of St. Leonard of Retreuyne [Tartraven], all the small teinds pertaining to the said town of Retreuyne; reserving the teind sheaves of the said town and mortuaries for the corpse-present of the lord and lady of Retreuyne, used and wont; reserving to the vicar of Lynlythqu for the time four pennies for every dead body from the said town of Retreuyne, bequeathed to the foresaid vicar or his chaplains: Melville and his heirs ministering to the chaplain serving in the chapel all necessaries in food, and clothing, and pay of labour from the ferms of their lands of Retreuyne and Prestoun, so that he shall require nothing from the prior and canons but the said small teinds; the chaplain to be chosen and placed in the church by the prior of St. Andrews, and removed by him if found deficient, another being surrogated in his place: the chaplain to make faith to the church of Lynlythgow, that it should suffer no detriment by him: Should Melville and his heirs agree with the chaplain to remain at table with them, it should be lawful to him or them to dispose of the small teinds during that time. If on account of civil war, and wasting of the country, or any unavoidable cause, there should be no chaplain in the chapel, the small teinds should be collected during his absence by the lord of Retreuyne, and the chamberlain of the prior and canons of St. Andrews, for the use of the future chaplain. If the land should be evicted from the said religious men through defect of warrandice of John Melville or his heirs, or the present agreement be infringed by them, the foresaid small teinds should revert to the prior and canons; and the foresaid half carucate should revert to the foresaid John and his heirs, if the said teinds were detained by the

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foresaid religious men. To one part of the indenture the seals of John of Melville, and Thomas of Melville, his heir, with the seal of William, bishop of St. Andrews, who confirmed all the premises, were appended; and to the other part the common seal of the chapter of St. Andrews, with the seal of the foresaid bishop, was appended. Dated at St. Andrews, 4th July 1345, ... 9

16. Confirmation by King David the Second of the gift which the late John of Inchethure made to Gilbert of Innerlounane, of six bovates of land, with two tofts and two gardens in the tenement of Balgally and sheriffdom of Perth: To be held to the said Gilbert and his heirs, in fee and heritage, etc., saving the king's service. Witnesses, William, bishop of St. Andrews, Robert, steward of Scotland, Earl of Strathern, the king's nephew, William, Earl of Douglas, Robert of Erskyn, and John of Prestoun, knights. At Edinburgh, 28th June, 29th year of reign [1358]. 11

17. Charter by Robert, Steward of Scotland, Earl of Strathern, granting to his beloved and faithful John Gray of Estwode, his whole land of Bourland of Rass, with a sixth part of the common pasture of Rass and the mount of Potte Park; also the west part of the half of the herbage of the Park of Rass, with all right the granter or his heirs had or might have in the lands of Arthourley, with the Alryss and mill croft, and with doubling of the ferm of the foresaid lands of Arthourley: To be held to the foresaid John and his heirs and assignees of the steward and his heirs in fee and heritage, for rendering a silver penny at his manor of Renfrew, at the head plea to be there held next after the Feast of Easter yearly, in name of blench ferm, if asked only. With clause of warrandice. Witnesses, William, bishop of St. Andrews, William, bishop of Glasgow, Walter, bishop of Dunblane, John, abbot of Dunfermline, Gilbert, abbot of Cambuskenneth, Sir Robert of Erskyne, Sir John of Danielstoun, Hugh of Eglynetoun, John of Lyndissay of Cragy, and John of Yle, knights, Alan of Steward, Thomas Symple, John of Ros. [1362-1368], ... 12

18. Charter by King Robert the Second granting to Alan of Erskyne all lands within the territory of Inchemartyne, in the barony of Langforgrund, within the shire of Perth, which belonged to the king's well-beloved son, John Lyoun, chamberlain of Scotland, which the said John had resigned by his letters patent directed to the king: To be held to Alan and his heirs, in fee and heritage, for doing such services as he was bound to do to the king for the lands of Inchemartyn. Witnesses, William, bishop of St. Andrews, John, bishop of

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Dunkeld, chancellor, John, the king's first-born son, Earl of Carrick, steward of Scotland, Robert, Earl of Fyffe and of Menteith, the king's son, William, Earl of Douglas and of Mar, James of Lyndesay, the king's nephew, and Alexander of Lyndesay, knights. At Kylwinning, 24th October, ninth year of the king's reign [1379],..... 13

19. Lease by John of Melville, lord of that ilk, whereby he sets, and to ferm lets, to Sir William of Douglas, son and heir of Sir James of Douglas of Strabroke, all his lands of Hawthornden, in the barony of Gortoone, in the sheriffdom of Edinburgh, the lands of Grevistoune, in the sheriffdom of Peblis, his lands of the Temple in Legbernarde, and lands of Butland in the sheriffdom of Edinburgh, for the term of ten years succeeding the date, for a certain sum of money paid by Sir William; and when the ten years were past, for the space of six years thereafter, for two merks sterling, to be paid annually at Hawthornden; Sir William's entry to begin at the Whitsunday next after date: To be held to the said Sir William, his heirs and assignees, of the granter, his heirs and assignees. With clause of warrandice. Lynlithgow, 1st April 1386, ... 14

20. Lease by John of Melville, lord of that ilk, of all his lands in Hawthornden, in the sheriffdom of Edinburgh, and all his lands in the Grevistoune, in the sheriffdom of Peebles, to his kinsman Sir William of Douglas of Strabroke, knight, for ten years next after the issue of his lease made of the lands, his entry to be the Whitsunday following his said tack, for £20 Scots; to hold and to have, with all profits and issues of courts, to Sir William and his heirs, of the granter, his heirs and assigns, for ten years; and if the lands should be destroyed by civil war, for as much longer as they were "skathit" within the said ten years. Dalkeith, 10th July 1399. Witnesses, Nicol of Douglas, lord of Wakmanfeld, William of Ross, chaplain, Adam of Corry, notar, and John of Lukvpe, ... 14

21. Confirmation by King Robert the Third, approving and ratifying the grants which his beloved nephew John Lyovne made to Richard, the son of John of Rate, of six oxgangs, with two tofts and two gardens in the tenement of Balgally and sheriffdom of Perth: To be held to him and his heirs in fee and heritage, saving the king's service. Witnesses, Walter, bishop of St. Andrews, Gilbert, bishop of Aberdeen, chancellor, the king's first-born son, David, Duke of Rothesay, Earl of Carrick and Athole, Robert, Duke of Albany, Earl of Fife and of Menteith, the king's brother-german, Archibald, Earl of Douglas, Lord of Galloway, James of Douglas, Lord of Dalkeith, and Thomas of Erskyne, knights. At Perth, 31st January 1399,..... 15

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22. Lease by John of Melville, lord of that ilk, in favour of his kinsman, Sir William Douglas of Strathbrock, knight, of all his part of the lands of the Hall of the Myre, in sheriffdom of Peebles, for two merks and a half of Scots money, to be payed at Hawthornden at Whitsunday and Martinmas, entry to begin at Whitsunday next after date, Sir William, his heirs and assignees, enjoying the said lands till he or they paid to the said John, his heirs and assignees, £20 Scots, Sir William, etc., to enjoy half of the lands heritably to him and his heirs and assignees, from the granter, his heirs and assignees, for evermore, with clause of warrandice, on the payment of the £20, being "assitht" to the granter. Dalkeith, 12th March 1399-1400, ... 16

23. Charter by William Scot, lord of Balwery, by which he grants to John of Melville, lord of Rath, and his heirs, the whole land of Petscoty, with the third part of the land of Calange, which the predecessors of the said John held of the granter's predecessors in fee and heritage: To be held to the grantee and his heirs, of the granter and his heirs, in fee and heritage for ever; under reservation of ward, relief, and homage, with one suit of court at the granter's court of Petlovr. Contains clause of warrandice. Witnesses, Sir John Stewart, lord of Innermeth, Sir Robert Stewart, Sir Thomas Sebald, Sir John of Wemys, and Sir William of Londy, knights; John of Glen, John of Boswyll, and Duncan of Ramsay, esquires. *Circa* 1400, ... 17

24. Charter by Robert, Duke of Albany, Earl of Fife and Menteith, and governor of Scotland, by which, for him and his heirs, Earls of Fyfe, he ratifies the grant which William Scot of Balwery made to John of Melville of Raith and his heirs, of his whole land of Petscoty, in the earldom of Fyfe and sheriffdom thereof, which he held of the earl in chief: To be holden to John Melville and his heirs, of William Scot and his heirs, in fee and heritage for ever. At Falkland, 3d August 1411. Witnesses, Robert Stewart of Fife, the duke's grandson, John Stewart, lord of Buchan, his son, Richard Cummyne, knight, Sir Andrew of Hawik, his secretary, rector of Lystoun, David Berclay, John Wricht, and William Berclay, his esquires, ... 18

25. Charter by William Scot, lord of Balwery, granting his lands of Durachmure, in the sheriffdom of Fife, except the annual dues of the church of Andirstoun (St. Andrews), namely, a chalder of meal or 20s. yearly, to John the Melville, son and heir of John the Melville, lord of the Rath, with the granter's daughter, Marjory, in marriage, and to the children and the longest liver of them; John the Melville to hold the land in ward and relief, of the granter and his heirs; and if they or

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their heirs failed, the lands to remain with John the Melville and his heirs until William Scot or his heirs paid to the said John the Melville or his heirs £20 Scots. With clause of warrandice. At Balwearie, 31st May 1412, ... 18

26. Attestation by Nichol Kynman of Megynche, that he was present when Alan Kynnard of that ilk, in the Temple court of Dundee, held in Peter Telour's land, 23d August 1418, resigned a Temple land called the Green Yards, with two acres of field land lying thereto, in the hands of John of Tiri, bailie of the Temple, and the said John gave it to John Davidson, his heirs and assignees, for ever, ... 19

27. Charter by Margaret Erskine or Glen, lady of Inchmartin, by which, in her free and pure widowhood she grants, and for her and her heirs ratifies, to her grandson, Walter of Ogilbi, son of Sir Walter of Ogilbi of Luntrethyne, and his wife Isabella, the granter's daughter, two acres of land which formerly belonged to William Thomassoun, in the town of Petmedill and sheriffdom of Perth, with sixty sheep in the common pasture of the town, and seven cows, with a breeding sow and goose and a brood mare, till their followers come to the age of one year. Which two acres Sir Richard of Petmedil, son and heir of the said William Thomasson, sold and resigned to the granter for 100 shillings of usual money: To be held to the said Walter and the heirs of his body, of the granter and her senior heirs, viz., those springing from Andrew of Ogilby and Marjory his wife, in pure and free blench farm, in fee and heritage for ever: If Walter died without heirs of his body, the two acres were to return to the granter, paying yearly to the granter's chapel at Inchemartyne 4d. of silver at the Feast of the Assumption of St. Mary the Virgin, in name of fee and blench farm. Contains clause of warrandice, and is dated at Inchemartyne, 1st December 1425, ... 19

28. Indenture between Margaret of Erskyne of Inchemartyne, on the one part, and David of the Wemys, son and heir of Dame Isabel of the Wemys, sometime lady of the half of Inchemartyne, on the other part, to the effect that David Wemyss shall take possession of the half of Inchemartyne and Petmedill, which pertains to him by line of heritage, in all goodly haste; which being done, and David being in possession a lawful time, both parties, or their procurators, shall pass to the king, and do their full power to get his consent upon these matters, and afterwards, in the same way, to get the Earl of Fife's. Margaret Erskine shall then resign her chemys or manor of the Wemys in the said earl's hands as her overlord, and make the said David and his heirs as "sekir" thereof, as was in her power.

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David Wemyss shall resign half of the lordship of Inchemartyne and Petmedil, pertaining to him by line of heritage, and make her and her heirs "siker" thereof: and both parties bind their heirs to fulfil the indenture, if either of them should decease: In case of breach of the indenture by Margaret, or any of her heirs, she or they to pay £300 sterling to the work of "our Lady Kyrke of the Wemys," within three months thereafter. And if the said David or his heirs should fail, he or they shall pay £300 sterling to the work of St. Peter's kirk of Inchemartyne. Witnesses, Andrew of Ogilvile of the Glen, Alexander of the Wemys, John of Strelyng, squires; Sir John Elyoth, Sir Thomas of Cors, Sir David Manias, chaplains. Inchmartin, 18th July 1427, ... 20

29. Attestation by Thomas of Loch, sheriff-depute, and William Derlyne, serjeant, of the sheriffdom of Peebles, bearing that in the Sheriff-Court held at Peeblis, 14th February, a worthy squire, John Melville, son and heir of the late Thomas Melville, lord of that ilk, presented a brief of sasine of the king's chapel, by virtue of which they passed to the lands of Grefstoun, and gave the said John Melville sasine of the third part of the third of the said lands of Grefestoun, at the "chymmes" (manor-place) of the same, in presence of William Watson of Grefisstoun, Wil Dekysone, Sir Henry Smale, and others. Peblis, 14th February 1429, ... 22

30. Notarial Transcript made by Alexander of Crauforde, priest of St. Andrews diocese, and notary public, of a letter of quitclaim, dated at Raith, 24th June 1436, by David Bosvile of Balgregy, acknowledging that he had received from John Melville, lord of the Ratht, his "gudefathir," a hundred marks usual money, owing to him because of the marriage of Elizabeth Melville, his wife, daughter of the said John Melville. The transumpt was made, on 26th July 1454, at the instance of Alexander Melville on behalf of Sir John Melville, knight, lord of Raith, within the house of David Boys, burgess of Dysert, in presence of David Boys, David Malvile, esquires, John of Balfoure, John Frasere, and William Micael, ... 22

31. Charter by King James the Second, granting to David of Ogilvie the lands of Inchemartine, Strathardil, Kynnarde, Elchoke, Ardargi, in the sheriffdom of Perth, the lands of Glen, in the sheriffdom of Peebles, Balmulto and Petconnochy, within the sheriffdom of Fyfe, Glenslandis, within the sheriffdom of Roxburgh, the lands of Wemyss, within the sheriffdom of Fife, Dron and Achlasky, in the sheriffdom of Perth; which belonged to Christian of Glen, spouse of the said David, heritably, and which she in her pure virginity had resigned

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in the hands of the king's father at Glamis personally, before David of Dunbar, George of Crechtoun, Walter of Ogilby, William of Cranstoun, knights, Robert Cheshelme, and Robert Liddale: and which lands the king's father had granted to David and Christian, the longer liver of them, and the heirs of their bodies, whom failing, to David and his heirs whomsoever: To be held of the king and his heirs, in fee and heritage, for services due and wont. Witnesses, John, bishop of Glasgow, chancellor, John Forstare of Corstorfine, chamberlain, Walter of Ogilbi of Luntrethin, knight, treasurer, William, lord of Crechtoun, master of household, and Mr. William Foulis, archdeacon of St. Andrews, keeper of the privy seal. At Edinburgh, 1st June, first year of reign [1437], ... 23

32. Attestation by David of Dunbar of Cockburn, George of Crechtoun, and [William] of Cranstoun of Korsby, knights, and others (as in No. 31 *supra*), that they were present as witnesses when [Christian] daughter of the late John of the Glenne, and one of the heirs of Sir John of the Glenne, resigned in the hands of King James, now deceased, the lands of Inchemartyn, Strathardil, Kynnarde, Elchok, Ardargy, in the shire of Perth, Balmultow and Petkonochy, in the sheriffdom of Fife, and other lands [as in No. 31 *supra*], in favour of David of Ogilvy and the said Christian, and the heirs of their bodies, whom failing, the heirs of the said David whomsoever. Done in 1437 (1). Dated at Edinburgh 16th September 1439, signed by Wat of Ogilvy of Deskwrd, Robert of Cheshelm, and Robert of Ledaille,... 25

33. Retour of Inquest held at Perth before Sir John of Rothven of that ilk, knight, sheriff of Perth, by Sir Patrick Lioun and Walter Ogilby, knights, Thomas of Abircrumby, George Gray, Finlay Buttir, John Yrlande, and other jurors, who found that John of Wemis, son and heir of the late David of Wemis, exceeded the age of 15 years before the Feast of St. Martin last bypast; and was not within the years of tutory. Perth, 28th February 1440, ... 25

34. Charter by Friar Andrew Meldrum, knight, preceptor of the order of St. John of Jerusalem within the kingdom of Scotland, with consent of the friars of his chapter, confirming and ratifying a charter by John Dauison of Kynard, by which he sells for a sum of money to David of Ogilby, son and heir of Sir Andrew of Ogilby of Inchmartyne, knight, his templar land of Grenyharde, with a piece of land lying on the west side of the Dene of Kynard, and so to the west as far as the balk of the same, and so descending by the shortest way from the kirk to the Flawcraig on the north side, as far as the king's highway on the south, and also a piece of land lying

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in Smythis Hope, having Quhiteside on the east, Smythis Hope on the west, Brounside on the north, and the Grenbalk on the south, lying in the barony of Kynard and sheriffdom of Perth: To be held to the said Dauid and his heirs-male; whom failing, to Sir Andrew of Ogilby and the heirs-male of his body; whom failing, to Alexander of Ogilby, son of the late David of Ogilby of Kynneff, and the heirs-male to be procreated of his body; whom all failing, to the true and lawful heirs of the said Sir Andrew whomsoever, of St. John of Jerusalem, in fee and heritage for ever, for payment yearly to the lord of Torphichen of six shillings and eight pennies Scots at the Feast of beheading of St. John the Baptist, if asked only: Contains clause of warrandice. Witnesses, William Scot of Balwery, Henry Rate, Andrew Ramsay, squires, Sir Andrew Ramsay and Sir David Brice, chaplains. At Kynard, 4th September 1441. Which charter and sale the said Sir Andrew of Meldrum confirms in all points, and affixes the common seal of office at the monastery of Torphichen, 12th July 1442. Witnesses, Sir William Gudwyne, vicar of Torfiching, Sir Michael of Benyng, vicar of the same, John Meldrum, Alexander Hathwy, and James of Foulis, clerk, ... 26

35. Obligation by James of Auchlek (Auchinleck) of that ilk, knight, to Andrew of Ogilwill of Inchmartyne, knight, by which he engages to give assent and furtherance that Sir Andrew should have John of the Wemyss' half of the lordship of Inchmartyne, and his quarter of Dron, in exchange for Sir Andrew's part of Wemyss, Elchyok, and lordship of the Glen and Eschellis, and that the said John shall not disinherit his sisters: Also Sir James shall give to Sir Andrew a letter of the Earl of Douglas and as many other letters of lords as he can procure to further the entailing of the sheriff of Angus' lands, Wat of Ogilvy's, Sir Andrew's own, and his brother's son David's. And if Sir James and the sheriff agree or disagree, whatever sums may be recovered for John of the Wemyss' marriage shall be given to Sir Andrew for the marriage of his son and his brother's son to the said John's sisters, and Sir James and Sir John Froster shall follow it with the advice of Sir Andrew at their goodly power. Perth, 7th October 1444, ... 27

36. Notarial instrument of Revocation, narrating that in presence of a notary and witnesses, a noble woman, Christian of Glen, daughter and one of the heirs of the late John of Glen of Balmulto, compeared, and of deliberate counsel asserted that she being under age and held in subjection and custody, had consented to a certain tailzie of the lands belonging to her in heritable right, made by the late David of Ogilvy,

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her husband; but that now she was come to her liberty, she revoked and annulled such tailzie; further, she asserted that formerly, in the time of David of Abirkerdore, her husband, she, compelled by him, had consented to an alienation then made of her fee and heritage of certain lands pertaining to her by heritable right, but now she being in her lawful widowhood, revoked such alienation as far as she might legally do it, protesting that such tailzie and alienation should do her and her heirs no prejudice. Done in the lodging of the vicar of Dundee, in presence of John, bishop of Brechin, Mr. John Wilson, (Willelmi,) official of Brechin, Richard of Crag, vicar of Dundee, William of Kamys, vicar of Glammys, John Wrycht, rector of the church of Kynnell, David Seres, vicar of Monymele, David Fothringham of Poury, James Fothringham, burgess of Dundee, Sir John Malcolmson and Sir James Bartholomewson, priests. 26th February 1445-6, ... 28

37. Notarial instrument, narrating that on the 21st of April 1449, Sir Andrew Ogiluil of Inchemartyne, knight, presented a part of an indenture before William Thyne, bailie of the burgh of Dundee, sitting in judgment, and craved John Idill, notary public, to make a transumpt of it, the writ being an indenture between Sir Andrew of Ogiluile of Inchemartyne, knight, and John of Wemyss of that ilk, to the effect that Sir Andrew shall have in exchange John of Wemys' part of the lands of Inchemartyne, in fee and heritage for ever, and John of Wemys shall have Sir Andrew's part of the lands of the Wemysschire, with his part of the lands of Glen and Elchoke, with the chemys thereof, in fee and heritage for ever: also the said Sir Andrew and John shall appear in Perth, in the kirk of St. John the Baptist, on Tuesday after Martinmas, 16th November next, before the five persons following, Henry Forstar, Andrew of Lundy, for the said John, William of Fentoun and John of Thorntoun, for Sir Andrew, with Sir James of Auchinleck of that ilk, knight, as oddman; which five persons should value the lands, so that either party should have his own: Item, the said John should bring to the tryst one of these two, Thomas of Wemys of Rerece, and John Wemys of St. Andrews; and Sir Andrew one of these two, Mr. Alexander of Guthery, or Robert of Foullertone, who should be sworn to end the cause as the other five, etc. If John of Wemys' lands of Inchemartyn were found better than Sir Andrew's lands of the Glen, etc., Sir Andrew should recompense to him or his heirs accordingly from the lands of Dron pertaining to Sir Andrew, or other of his lands; and in case of the reverse, Sir Andrew shall be recompensed from the lands of Dron, pertaining to the said John. Item, if Alexander of Ogiluile, son and heir of the late David of Ogiluile, should marry one of the sisters of the said John,

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the said Alexander being in the fee of his lands of the Wemysschire and of Elchoke, the said John shall recompense to the said Alexander in exchange for his part of the said lands, lands as profitable and of as much value as he gave to the said Sir Andrew for his part of the foresaid lands, John and Alexander submitting, in case of disagreement, to the before-named arbiters. The parties also agree to underlie the ordinance of the arbiters as to all maills, count and reckoning between them, and specially as to the ward lands which Sir Andrew says he allowed Wemyss to enter to before his majority, viz., of Strathardill and Elchoke. For observing of which both parties give oath and hang their seals interchangeably with the seals of Sir John Froster of Corstorfin and Sir James of Auchinleke, knights, procured by the parties. Witnesses, John of Maxvile, Andrew of Wemys, George of Grinlawe, Archibald Wallace, Sir Patrick Lesouris, parson of Newtoun, Peter of Cochrane, and Sir Thomas of Kyrcaldy, notary. Edinburgh, 31st August 1445. The transumpt was made in the tolbooth of the burgh of Dundee, in presence of George Broune, James Skrimgeour, Thomas of Leis, burgesses of Dundee, Thomas of Hay, squire, Sir John Qwittoun, vicar of Ochtirhouse, Walter Grenlawe, clerk of the community of the burgh of Dundee, and Andrew Parcar, ... 29

38. Licence granted by George de Cesarinis, protonotary of the apostolic see of Pope Eugenius the Third, of whose penitentiary he had charge, granting to John Ros and Marion his spouse, of Glasgow diocese, power to choose a discreet priest as confessor who could give them absolution for their sins unless these were such as the apostolic see required to be consulted upon, for five years as might be fitting, and to commute vows of pilgrimage and abstinence, which they could not conveniently keep, to other works of piety, vows of St. Peter, St. Paul, and James the Apostle excepted. Given at Rome, at St. Peter's, under seal of office of the Penitentiary, 17th July 1446, ... 32

39. Indenture made between Sir Andrew of Ogilvile of Inchemartyne, knight, and Alexander of Ogilvile of Kynnefe, agreeing that Sir Andrew shall marry and cause to be married as honourably and profitably as if they were his own daughters, Margaret, Christian, and Marion, sisters of the said Alexander, for which marriage the said Alexander has, with consent of his three sisters, assigned to Sir Andrew their portions of goods belonging to them through the death of David of Ogilvile, their late father, with the whole heirship of his father, if Sir Andrew should think it expedient, and failing thereof his marriage goods at the sight of Sir Andrew, his uncle, until his three sisters

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were honourably settled by his uncle, and their tochers fully paid: if his heirship and marriage goods exceeded the sum of money which Sir Andrew should have spent on Alexander and his three sisters, ere the said Alexander was of twenty-five years of age, Sir Andrew should discharge to Alexander "ilka peny or peny wortht" of surplus within a year, with a similar provision for repaying Sir Andrew if he spent more. Alexander also became bound to govern himself by his uncle's counsel, and principally as to his marriage, etc. Both parties to keep the indenture, under the penalty of 500 merks Scots. Their seals are affixed: to the part remaining with the said Alexander, the seals of Sir Andrew, Alan of Kynnarde of that ilk, and John Scot of Fingask; and to the part remaining with Sir Andrew, the seals of the said Alexander, and of the said Alan and John. Witnesses, Sir Andrew Ramsay, parson of Ouchtirdera, John of Skrillyng, Sir James of Nefe, and Sir Thomas of Cors, chaplains. Inchemartyne, 31st July 1449, ... 32

40. Precept by John of Rothvene of that ilk, sheriff of Perth, directed to Thom Wardroper and his deputes of the lower east quarter of Gowrie, charging them to pass to the "chemis" or manor place of the half of the lordship of Inchemartyne, sometime pertaining to John of Wemys, and give sasine to Sir Andrew of Ogilby of the said lands, after the tenor of an indenture made by the said John to the said Sir Andrew in regard to an exchange of the said lands for Sir Andrew's lands of Elchyoke, Wemischire, and Glen [No. 37 *supra*]. Rothvene, 15th August 1451, ... 34

41. Extracts from the Sheriff-Court Books of Forfar, with decreet at the instance of Sir Andrew Ogilvie of Inchmartine against Walter Tulloch of that ilk. In the sheriff-court of Forfar, held at the Castlehill of Montrose, by Walter of Ogilville of Bewfurde, depute of Alexander of Ogilvile of Ouchterhouse, sheriff of Forfar, on the eve of Holy Trinity (1st May) 1452, compeared Sir Andrew of Ogilvile of Inchemartyne, knight, and asked the sheriff what he had done to a brief of convention presented to him by Sir Andrew more than 40 days before, on Wat of Touloch of that ilk, touching his marriage and that of his son and heir. William Marschale, "mar" (mayor) of fee of the quarter of Arbroath, being called, proved that more than 40 days previously he had summoned the said Wat to compear, who being called compeared not. Sir Andrew then said he was coming to his claim of the said marriages and for non-defence after certain depositions proved in writ under seals of John of Lummisden of Ardry, Sir Andrew Ramsay, parson of Ouchtirdera, and John of Skir-

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ling, or the value of the marriage, being 200 merks for his own, and 300 for his son's, if they failed, and he asked a decree of court that these depositions formed reasonable proof. For "waiknes of curt" the decree was deferred to a court to be held at Forfar, 1st July next, which was duly held in the tolbooth of the burgh of Forfar, by John Carncorse of Balmyschener, deputy of Alexander Ogilvile of Ouchterhouse, sheriff of Forfar, when the action was again postponed to a court to be held the last of July. On that day (Monday, 31st July) Thomas Fentoun of Ogile, depute, held a court, when Sir Andrew of Ogilvile again asked decree. The court being advised, decerned the writs presented by Sir Andrew reasonable proof for the convention for non-defence and for his claim foresaid, which decree was pronounced by the mouth of the doomster, and command given to the mare (mayor) of the quarter of Arbroath to compel Tulloch to fulfil the convention within lawful time and as law will, ... 35

42. Attestation by Andrew Lundy, sheriff of Fife, that in the tolbooth of the burgh of Cupar, in the sheriff-court held there, 17th October 1452, Sir Andrew Ogylvyl of Ynchemartyn, knight, compeared and presented letters of procuratory made by Marjory Ogylvyl, his spouse, daughter of the late Sir John Glen, knight, lord of that ilk, and principal and eldest heir to him and to his spouse, Dame Margaret of Erskyn of Ynchemartin, constituting Andrew of Ogilwile of Ynchemartyn, her procurator, to appear for her on 17th October in the sheriff-court of Fife, or other courts necessary, and protest, as was done before by the late Sir John of Glen and Dame Margaret, his wife, and by Sir John of Wemys and Dame Isabella, his wife, in the sheriff-court of Fife before Sir George of Leysle, then sheriff of Fife, and in like manner by the said Dame Margaret in the sheriff-court of Perth, before Walter Stewart, then sheriff of Perth, after the death of Sir John Glen, her spouse, in her pure widowhood, respecting all alienations of fee and heritage that pertained to the late Dame Isabella of Ynchemartyn, wife to Sir Alan of Erskyn, made by the said Sir Alan or Dame Isabell in her marriage, or by any of her successors, unlawfully or contrary to the law of Scotland, and principally of the lands of Wemys-Tarwett, in the sheriffdom of Fife, Carrik and Glenerochquhi in the lordship of Kylbrochqwy, in the regality of Athole and sheriffdom of Perth; and that no such alienations or detentions of lands from her turn to her prejudice. Which letters were dated at Ynchemartin 10th September 1452, and being read in court, the procurator foresaid made protestation accordingly, in the presence of John Kynlouche of Cruwe, Dauy Hay of the Nauchtan, John Lummysdeyn of Ardre, Dauy Barclai of Colerny, John Kynnere of

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that ilk, John Wemys of Kylmany, William Strathenry of that ilk, Dauy Balfour of Caraldstane, Alyschender Lothroisk of that ilk, Archibald Meldrum of Cleysche, Alyschender Thayn of that ilk, John Lummysdene, younger, and George Ramsay, apparent heir to the laird of Clatte. Thomas of Kyninmonde, the sheriff's depute, affixed his seal, in absence of the sheriff, on the 17th, while the sheriff affixed his seal on the 23d October 1453, ... 37

43. Transumpt made in the chapel of Inchmartin, 8th July 1455, at the instance of Sir Andrew of Ogilvill of Inchmartyne, knight, of the following two letters:—(1) Precept by James, King of Scots, to James of Auchlek of that ilk, knight, Henry Forester, Andrew of Lundy, William of Fentoun, John of Thorntoun, narrating that though the king had summoned them to compear at Perth on a certain day, to have ended the exchange of certain lands between Andrew of Ogilby of Inchmartyne, knight, and John of Wemys of Methkill, they had disobeyed, wherefore the king charges them to compear on the last of October to end the submission made to them, under pain of recognition of their lands and arresting of their goods. Falkland, 9th November [1447]. Upon which precept execution duly followed. (2) Letters of denunciation by James, bishop of St. Andrews, directed to rectors of churches, etc., narrating that though Henry Forstar of Nudry, Andrew of Lundy, William of Fentoun, and John of Thorntoun, arbiters mutually chosen in the cause of excambion between Sir Andrew of Ogilvill of Inchmartyne, knight, and John of Wemys, had been warned by the bishop's letters patent to compear and end the said cause, under pain of excommunication, yet they had not obeyed his commands, and so had damnably fallen under sentence of excommunication; the bishop therefore excommunicates them, and charges the rectors, etc., to denounce them as excommunicated in their churches on all Lord's days, festival days, during the solemnities of the mass, etc. Given under the bishop's round seal at St. Andrews, 12th November 1447. Execution followed, dated at Perth, 20th November. Witnesses to the transumpt, John Ketht of Troupe, Sir Andrew Chepman and John Merciale, chaplains, William Cochrane of Cleggarne, Andrew Erth, William Scot, Robert Noroway, squires, John Hude, priest of St. Andrews diocese, notary, ... 39

44. Letters by Alexander of Ogilwile of Duntrone, discharging Sir Andrew of Ogilwill of Inchmertyne, knight, of £80 Scots, in which sum Sir Andrew was bound to the granter for his sister Christian's part of their father's goods, and also for Alexander's heirship given in furtherance of his sister's marriage [cf. No. 39 *supra*]. Dundee, 21st August 1458, ... 41

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45. Charter by Andrew, Lord le Gray, with consent of his son and heir, and with consent of Andrew Gray, his son's son and heir, knights, granting, for a sum of money, to his well-beloved cousin, David of Ogilvy, son and heir-apparent of Sir Andrew of Ogilvy of Inchmartyne, knight, four oxgangs of land of Inchmartyne that are now in the hands of John Gall, farmer thereof, in the barony of Langforgound and sheriffdom of Perth: To be held to the said David, his heirs and assignees, of the granters and their heirs, in fee and heritage for ever, for payment yearly of a penny Scots at Whitsunday on the said lands, in name of blench farm, if asked only. Contains a clause of warrandice, and is sealed at Rossy in Govry, 1st May 1461, ... 42

46. Letters of Reversion, by which John of Vemys of that ilk, knight, binds himself to Sir Andrew of Ogilby of Inchmartyne, knight, and to his loved cousin, David Ogilby, son and apparent heir to Sir Andrew, that whenever Sir Andrew or David, their heirs or assignees, at once on one day in the parish kirk of Perth, on the high altar, paid to the granter, or his heirs or assignees, the sum of five score marks Scots, he and his heirs and assignees should resign six marks worth of land in the Westertown of Inchmartyn, which he holds of the said David with consent of Sir Andrew. Providing also that if the said John fraudfully absented himself from receipt of the said money, it might be put in the common purse of Perth for his use, and the parties paying discharged. Dated at Perth 12th May 1461, ... 43

47. Notarial Transumpt made at the instance of Sir Andrew of Ogilby of Inchmartyne, knight, of a letter of obligation, or bond of manrent, made by Vat of Tulche, son and heir of the late Vat of Tulche of that ilk, by which he becomes man to "ane honorabill man, and my derast maister," Sir Andrew of Ogilby of Inchmartyn, knight, and failing him to Dauy of Ogilby, his son, against all deadly persons, excepting his allegiance to the king; further, since Sir Andrew had discharged the granter of certain conditions made by his father, and specially of the selling of his right of the lands of the Quiltis, the said Wat discharges Sir Andrew of all conditions he had made to Wat his father; and since his said master had paid for his father for the maills of the Portartoun certain sums, as contained in the quitclaims of Gilbert Menzies, and had spent his goods in defence of the said Vat's heritage, and given him his living for thirteen years, the latter obliges himself to marry "in ony greabill place" by the advice of his said master, and neither to sell nor wadset any of the fee and heritage to which he was born without his counsel, asked and obtained, and to pay four score pounds Scots of his readiest profit, either of marriage

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or heritage, for the charges Sir Andrew had been at for his father and him. Perth, 16th April 1461. Sealed with the granter's seal and the seal of Patrick the Bruse. Witnesses, the vicar of Kynspyndy, John Scot of Fyngask, and John his son, Sir John Symsoun, Robert Noroway, Sir John Hude, and Sir James Flemyng, notaries public. The transumpt is made at the kirk of Kynspyndy, 28th June 1461, in presence of the same witnesses, ... 44

48. Obligation by which John of Vemys of that ilk, knight, binds himself, his heirs and assignees, to David of Ogilby of Inchmartyne, his heirs and assignees, in reference to their exchange of lands, that if David Boswell's part of the lands of the Drone should be lawfully recovered from the said John, yet the whole exchange of lands should not break, but the granter should have regress to Boswell's lands of Balmuto within three months, with recompence at the sight of friends for whichever lands were of better value: also for the "chemys" of Balmuto, giving therefor the value for which it was apprised to David Boswell. Perth, 26th March 1462, ... 45

49. Licence by King James the Third granting to William Scot of Balwery and his heirs special permission to construct a castle or fortalice in his lands of Balwery, in the sheriffdom of Fife, to fortify it with walls and ditches, strengthen it with iron gates, and provide it in the upper part with engines of defence, and with all things necessary for the completion of the castle: also giving power to appoint constables, etc. Edinburgh, 23d February 1463-4,..... 46

50. Retour of Inquest made before Alexander Creichtoun, sheriff-depute of Edinburgh, 23d April 1471, by John Sandelandis of Caldore, knight, John Forestar, William Hog of Keith, Alexander Malvyne, Andrew Wardlaw of Berntoun, Alexander Naper of Wrichtishous, Peter Dalzel of Carlowry, William Mowbray of Cambo, John Stewart of Lany, John Malvyne, James of Johnnestoun, Edward Sinclere, Robert Dowglas of Halderstoun, Andrew Merchamistoun, Alexander Frog, John Lowranstoun of that ilk, and John of Abirnethy, who found that the late Thomas Melville of that ilk, father of Agnes Melville, died last vest and seised as of fee in the lands of the barony of Melville, in the sheriffdom of Fife, and that Agnes was his nearest heir, and of lawful age; that the lands were worth 100 merks Scots, and were held in chief of the king by ward and relief, and a common suit in the courts of the sheriffdom; being now in the hands of the king by reason of ward, by the death of the said late Thomas, who had died thirteen years before. Edinburgh, 23d April 1471,..... 46

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51. Charter by Henry, abbot of the monastery of Dunfermlyne, and convent thereof, granting, with consent of his chapter, to William Melville of Rath, for homage and service done and to be done to the abbot and monastery, their lands of Rath, in the regality of Dunfermlyne, and sheriffdom of Fife, which belonged to the said William heritably, and which he had resigned in the chapterhouse: To be held to the said William and his heirs of the abbot, monastery, and successors, in fee and heritage for ever, for the yearly sum of £5 usual money of Scotland, to be paid at Whitsunday and Martinmas, with ward and relief; and doing therefor forinsec service, with three suits of court at three head courts at Dunfermlyne, and other services due and wont; under condition that neither William nor his heirs should knowingly receive to their mill any tenant of the proper lands of St. Margaret, nor build any mill for grinding corn, except on the lands of Pitconmark, on pain of recognition of the mill from the said William and his heirs. Dated at the monastery of Dunfermlyne 26th May 1474. 47

52. Notarial Instrument of Ratification, narrating that in presence of William, [bishop] elect of Ross, commissary-general of William, archbishop of St. Andrews, and official of that diocese, within the parts of Lothian, with the notary and witnesses, Elizabeth Sibbald personally compeared, who, freely and spontaneously, gave her great oath on the gospels that in her consent to the resignation of the lands of the barony of Balgony, in the sheriffdom of Fife, in the hands of the king, James the Third, lord superior of the said barony, to be made in favour of Andrew Lundy, her son, no violence had intervened, nor was she in any way compelled by force or fear, but that her consent to the resignation proceeded solely from the favour and love she bore to her son, and she still desired the same to be observed according to the tenor of her procuratory thereupon made; nor did she wish to attempt anything contrary thereto; whereupon Alexander Cowttis craved instruments. Done in the dwelling-house of the said reverend father, in the town of Edinburgh, 5th March 1482-3. Witnesses, Alexander Inglis, archdeacon of St. Andrews, Thomas Mowtray of Markinche, George Kirkcaldy of Grange, and others, ... 49

53. Notarial Instrument of Resignation narrating that in presence of the notary and witnesses, William Melville of Raith resigned his franktenement of his lands of Raith, Pitconmerc, Turbane, Pytscotty, Dwray, and Fedinch, and his franktenement of all his annual rents from the lands of Strathenry, and burghs of Dysert and Kirkcaldy, to John Melville, his eldest son and apparent heir, by delivery of a straw, in token of real and corporal possession of the said lands; and

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he also constituted the said John Melville his assignee to his leases of the lands of Easter Balbertane and mill thereof, of the lands of Powgulde and Dundownalde, with all right the granter had to the same, for all the days of his life. The said William then, upon oath, declared that he had granted no charters of any of the above-mentioned lands to any person, save to his said eldest son, and he further engaged to support the said John Melville in all his actions and causes, whereupon the said John Melville craved instruments. Done in the parish church of Kirkcaldy, 20th May 1491. Witnesses, David Boiswel of Glasmont, David Mailuile of Toulch, James Mailuile, and Alexander Mailuile, burgesses of Kirkcaldy, George Boiswell of Cragside, David Berkclay of Toulch, Thomas Kyngorne, burgess, and others, ... 50

54. Contract or Indenture of Marriage between William Melville of the Raith, Effem of Lundy, his spouse, and William Melville, their son, on the one part, and John Gowrlay, elder of Lamlethin, on the other part, to the effect that John Gourlay, son to the said John Gourlay, elder, should marry Elspat Melville, daughter of the said William Melville of the Raitht, as soon as the law of holy kirk allowed; and that therefore the said William Melville, Effem, and William, their son, their heirs, executors, and assignees, should pay to the said John Gowrlay, elder, the sum of 200 merks Scots, 40 merks at the completing of the marriage, and 18 merks yearly thereafter till paid. In security of this sum a letter of assedation and lease of the lands of Fedynch was to be given to the said John Gowrlay and Elspat his spouse, for thirteen years, at a rental of 36 merks yearly: 18 merks to be yearly deducted therefrom till the whole 200 merks were paid. It is provided that the said Elspat should be honourably sustained in meat and clothes till they had ingathered the first crop from Fedynch, security to be found for payment of the rent. On the other hand, John Gowrlay, elder, was bound to infeft John Gowrlay, younger, Elspet, his spouse, and their heirs, in the lands of Cargowre, in fee and heritage. Should any cause of divorce be found afterward by consanguinity or affinity, the said John Gowrlay, younger, shall pay the expenses of a dispensation within year and day under the pain of 200 merks, to be paid to the said Elspet, her heirs or assignees. Both parties are sworn to observe the indenture; to the part remaining with John Gowrlay, elder, the said William Melville of the Raith has affixed his seal, and because Effem had no seal of her own she procured the seal of James Malwin, burgess of Kirkcaldy, while John Gowrlay affixed his seal to the part remaining with the said William and Effem. Witnesses, John Olefant of Kyelle, David

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Berclay of Thowch, Mr. Alexander Malvin, and others. Kyrkcaldy, 28th February 1497-8,..... 51

55. Retour of Inquest made before David Cowper, bailie of the regality of Dunfermline, specially constituted under commission from James, archbishop of St. Andrews, and commendator of Dunfermline, etc., by James Orrok, David Orrok of Sillebabee, Thomas Boiswell in Pitlochquhy, John Aytoun, Thomas Boiswell in Fynmonth, Henry Boithwell, Thomas Boiswell in Stentoun, John Walwod in Touch, and others; who found that the late John Melville of Raith, father of John Melville, died last vest and seised in the lands of Raith, Pitconmark, and Torbane, in the regality of Dunfermline and sheriffdom of Fife; that the said John is nearest heir to his late father, and is of lawful age; that the lands are now worth £100, in time of peace were valued at £5, and are held in chief of the said archbishop for service of ward and relief and rendering an annual rent of £5 to the commendator and convent and their successors; being in their hands as superiors by the death of the said late John by reason of ward and unrecovered sasine during the space of nine years or thereby. Taken in the burgh of Dunfermline, 29th October 1502. 53

56. Precept by John Wemys of that ilk, knight, directing William Mailwyn, Robert Mailwyn, Thomas Mailwyn, and William Schewes, to give sasine to John Melville of Raith, the granter's son-in-law, and Margaret [Wemys] his spouse, and to the longer liver of them, in conjunct fee, of the 12 merks of land of Methill, in the regality of St. Andrews and sheriffdom of Fife, in special warrandice of the lands of Wester Raith, in the barony of Lochoreshire and sheriffdom of Fife, alienated by Sir John heritably, as is fully contained in his charter made to the said John Melville and Margaret Wemyss thereupon. Dated at Edinburgh 28th July 1503. Witnesses, Gawin Wemys, Robert Mailwyn, and others,..... 54

57. Notarial Instrument, narrating that in presence of the notary and witnesses, Euphame Lundy, relict of the late William Melville of Raith, compeared, and discharged Sir John Melville, knight, of Raith, of her third of the lands of Raith, the sum of 20 merks Scots, to be yearly uplifted from the said lands: and further she leased the lands of Fedeinche to the foresaid John and his heirs, for five years from the Whitsunday after the expiry of John Gourlaw's terms of the same, Sir John and his heirs paying the customary dues. In consideration of which quitclaim and lease the said Sir John is obliged to cause Jonet Bonar [his mother] discharge the said Euphemia, and David Melville and Andrew Melville, sons of the

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said Euphemia, of all goods taken by them from the house of Raith and lands of Glenestoun, when they held the said house of Raith. Witnesses, Thomas Mailvil, Robert Mailvil, and others, Robert Young, M.A., notary. 20th April 1506,..... 55

58. Precept by King James the Fourth to his bailies of the burgh of Disart, superiors of the annual rent underwritten, narrating that because by inquest made at the king's command by his sheriff of Fife, and retoured to chancery, it was found that the late William Melville of Raith, grandfather of John Melville of Raith, knight, died seised in an annual rent of 22s. Scots, furth of the tenements and lands of the late Alexander Mailuile and the heirs of the late James Swan, in the Kirkgate in the burgh of Disart, and that Sir John was lawful heir of his late grandfather, etc., the king therefore charged his bailies to give sasine of the same to the said John, when he had done what he was bound by law to do for the said annual rent. Edinburgh, 6th August [1507],..... 56

59. Obligation by William Scott of Balwearie, knight, binding himself that forasmuch as John Melville of the Raith, knight, was bound to him for 200 merks Scots, nevertheless, if the granter failed in his part of keeping of favour and kindness to the said John, he wills that the foresaid obligation of 200 merks be discharged and annulled for ever. Edinburgh, 6th February 1509. Witnesses, David Wemyss of that ilk, knight, John Multra of Merkincht, William Brown of Kowstown, John Multra, Alexander Scot of Fingask, John Boner of Rossy, William Kyrcaldy of the Grange,..... 56

60. Charter by John Melville of Raith, knight, granting and selling to George Erthe, burgess of the burgh of Cupar, and Jonet, his spouse, the fourth part of the lands of Petscotty Estir, which John Braid inhabited, in the sheriffdom of Fife, for a certain sum of money in gold and silver paid to him in his known necessity by the foresaid George and Jonet: also the eighth part of the lands of Turbane, in security of the foresaid lands: To be held to the said George and Jonet, and the longer liver of them, in conjunct fee, and the heirs of their bodies, whom failing, the heirs of the said George whomsoever, of the granter and his heirs, in fee, for paying for the fourth part of the lands of Petscotty one penny Scots in name of blench farm, and the same for the warrandice lands in case aforesaid. Contains a clause of warrandice from ward, etc. Subscribed and sealed at the burgh of Cupar, 16th June 1512. Witnesses, Thomas Butler of Rumgally, and others, ... 57

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61. Precept of *clare constat* by John, Lord Glamis, lord superior of the west part of Balgally, in the sheriffdom of Perth, narrating that it is well known to him that the late James Ogiluy of Inchmartein, father of Patrick Ogiluy, died at the faith and peace of our lord the king and with the late king, in the lands of Northumberland, under his standard, in defence of his royal person, being last vest as of fee in the lands of the west part of Balgally, in the barony of Inchsture and sheriffdom of Perth, viz., of the west half of the said lands, and that Patrick is the nearest heir of James, his father, and of lawful age. Wherefore the granter charges his bailies in that part to give possession of the said west half of the lands of Balgally to the said Patrick, and to affix their seal in sign of the execution of their office. Glamis, 7th November 1513..... 59

62. Acquittance by Andrew Melville, indweller in Leith, and father's brother to John Melville of the Raith, knight, acknowledging receipt of the sum of £40 Scots, in a sentence-arbitral between the said Sir John and Andrew, for payment of 10 merks yearly by the space of 22 years. At Edinburgh, 22d March 1515-16. Witnesses, William Forbes of Reress, knight, and others, ... 60

63. Discharge by William Scot of Baluery, knight, releasing the arrest put at his instance upon the corns of John Melville of the Raith, knight, upon which he had letters for distraining Sir John's lands and goods because Sir John had bound himself for the sum in the official of Lothian's books to the said William. At Edinburgh, 6th March 1516-17, ... 60

64. Bond of Manrent by Robert Orrock, son of James Orrock of that ilk, by which he binds himself to be true man and servant for all the days of his life to John Melville of the Raith, knight, against all others, except the king's grace, the governor, the archbishop of St. Andrews then living, the abbot and convent of Dunfermline, and their successors; and, with his person, friends, and servants, to take his part, give him counsel to his weal and honour, etc. At the Raith, 2d January 1519-20, ... 61

65. Bond of Manrent by Alexander Orrock of Sillybalbie, by which he binds himself to John Melville of the Raith, knight, to take his part in all his actions and quarrels, keep his counsel secret, etc., and take part with him against all others, except the king's grace, the lord governor, the abbot of Dunfermline, and laird of Balmuto; and especially to take his part against the laird of Balwerie, and his bairns. 9th July 1522,..... 61

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66. Bond of Manrent by David Boiswell of Glasmont, to "my weilbelouit eme," John Melville of the Raith, knight, whereby for kindness and old kindred between their ancestors, in times bygone, he binds himself to take Sir John's part in all his actions and quarrels, against all men living, the king's grace, the lord governor, and his overlord excepted. At Balmuto, 30th August 1522. Mr. David Melville, William Hay, and Alexander Orok of Syllebawbee, witnesses,..... 62

67. Charge by King James the Fifth, narrating that it was shown to the king by James, Earl of Morton, that although John Multrar of Seyfeld had been denounced rebel and put to the horn as fugitive for the slaughter of the late Richard Moffat, committed within the earl's regality of Dalkeith, by which all the said John's moveable goods should belong to the earl, yet the said John still intromitted therewith; wherefore the king charges his messengers to pass with the earl's officers of his regality, and poind for the escheat of the said John's goods, and to take no deforcement, unless landed men or men of substance should become responsible. Edinburgh, 6th November 1526. The execution is indorsed to the effect that on 19th December James Bisset, messenger, and William Blakwod, officer to James, Earl of Morton, passed to the lands of Seyfeld, in the regality of Dalkeith, and poinded two oxen belonging to John Multrar of Seyfeld; and when the messenger was delivering the oxen to the earl's officer, "the said Johne Multrar and his complicis rais and maisterfullie reft and tuke fra me the saidis oxin," and deforced him, in sign whereof the messenger broke his wand and took witnesses,... 62

68. Notarial Instrument of Appeal, narrating that in presence of the notary and witnesses there compeared John Melville of Raith, knight, John Ogilbe of Innerquharate, William Bonar of Rosse, James Forsycht of Nyde, James Kyrcaldy of Grange, Alexander Oroke of Celebawbe, and Walter Ogilbe, holding in their hands a certain schedule of paper, containing in it the form of an appeal, which they delivered to the notary to be read and copied, as follows:—Appeal by the parties named, their accomplices, friends and familiars, who thought themselves aggrieved and oppressed by James Symson, official principal of St. Andrews, because, as had come to their knowledge within three days, he had fulminated against them certain pretended letters, inhibitorial or monitorial, containing ecclesiastical censures of excommunication on the part of John Multrar of Sefeild, they not being summoned, confessed, or warned, or convicted of any fault or contempt; secondly, although they had been present with the officers of James, Earl of Morton, at the apprising of the goods and grain of the

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said John Multrar, for payment of £60 Scots, lawfully adjudged to the said James Kyrcaldy, they were guilty of no contempt, since every competent judge could put his sentence to execution, and combine others with him in ministration of justice, besides which they had the king's command to be present, yet the said reverend lord official had fulminated his letters of excommunication against them; thirdly, if it were alleged that, at the time of the apprising, Sir Andrew Prat, chaplain of the said John Multrar, had presented to them the official's letters, such allegation was false, for Sir Andrew had expressly denied he had any letters from his reverence or his office, but asserted he was charged by the said John Multrar to tell them they were excommunicated, and such letters or process were totally unknown to the appellants, who therefore appeal against his process and ecclesiastical censures of excommunication to Pope Clement the Seventh, and to the most holy apostolic see, and most earnestly crave "apostolos" [letters dimissory to certify their appeal]. Done in the notary's chamber, in the burgh of Kyrcaldy, 20th February 1526-7. Witnesses, George Balcanquell, Sir William Challand, chaplain, and others. An indorsation bears that, on the 15th March, Spens, procurator for John Melville of Raith, knight, and other appellants, intimated the appeal to the lord official, and received letters dimissory, ... 64

69. Precept by King James the Fifth to Archibald Douglas, Keeper of the Privy Seal, to the effect that the king, of his special grace, had remitted to John Melville of Raith, knight, James Kirkcaldy of Grange, James Forsyth of Nydy, Thomas Melville, James Melville, William Melville, William Wemys, David Wemys of that ilk, and James Bruce, all rancour of heart, and all action for treasonably coming against the king and his authority in battle array at the burgh of Linlithgow, the king being there present, his banner displayed for the time, etc. The king therefore commands the keeper to present a precept under the privy seal to Archibald, Earl of Angus, Lord Douglas, his chancellor, for letters of remission under the great seal. Given under the signet at Edinburgh, 14th August [1527]..... 66

70. Remission by King James the Fifth under the privy seal, to Sir James Melville, William Melville, James Bruce, Robert Orrok, James Melville, William Wemys, Robert Mow, and Sir William Challand, for intercommuning with and assisting Archibald Douglas, sometime Earl of Angus, the remission to endure for nineteen years. Jedburgh, 21st June [1529]..... 67

71. Remission by King James the Fifth to John Melville of Raith, knight, and James Kirkcaldy of the Grange, for treasonable assistance given

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by them to Archibald, sometime Earl of Angus, his brother, and uncle, etc. Given under the privy seal at Edinburgh, 26th July 1529,..... 68

72. Discharge by Walter Melville, son to the late David Melville, burgess of Edinburgh, of satisfaction and contentment from his uncle, John Melville of Raith, knight, for bairns' part of goods and house maill taken up by the said John Melville during Walter's minority. Edinburgh, 3d December *circa* 1530,..... 68

73. Submission made in presence of King James the Fifth, by John Melville of Raith, knight, and John Moutrare of Merkinche, by which they bound themselves to abide at the decreet of the lords of Session, or any six or four of them, as to the satisfaction to be made for the slaughter of John Wallanche of Pittedy, Andrew Traill, Alexander Wemys, and William Wood, by the said John Melville of Raith, and his complices, and touching all other debates and harm done to the said John Mowtrar by the said John Melville, the latter is content that the king decide as he shall please. Subscribed in presence of the king, John Lord Lindsay of the Biris, William Lindsay of Piotstoun, and Henry Kemp of Thomastoun, at Cupar in Fife, 15th January 1533. A note at the end gives a list of those for whom the laird of Raith and John Multrare of Seyfeild respectively acted, ... 69

74. Case submitted to the lords of Session for Sir John Melville of Raith, knight, James Kyrkaldy of Grange, and their friends, in the action between them and John Moultray of Markinch, David Wallinche, and others. It is complained—1st. That the laird of Seyfield wadset or mortgaged his land for 600 merks, and offered the same to the late Andrew, archbishop of St. Andrews, to take the lease of the Abthane over Sir John's head, etc. 2d. That he wadset part of his lands of Tyre to Lady Sinclair, by which he caused loss to the said James Kirkaldy. 3d. That he spoiled the corns and broke the doors of Patrick Kirkaldy, the said James' brother, in a dispute regarding certain lands near Kinghorn. 4th. That on Ash Weddnesday, two years before the slaughter, the laird of Seyfield rose from hearing mass in the kirk of Kinghorn, and stopped Sir John at the kirk stile with drawn sword, etc. 5th. That the young laird of Seyfield attacked Sir John Melville when going to mass at Kinghorn, after returning from the borders with the king, the lairds of Wemyss and Balgony being in company. 6th, 7th, 8th. Similar complaints of other assaults. No date, *circa* January 1533-4,..... 70

75. Answers for Sir John Melville of Raith, on points of dittay, of which John Moultray of Markinch and others were accused in the justice-

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eyre of the regality of Dunfermline, narrating at greater length the two attacks on Sir John when at mass at Kinghorn, and the attack in the town of Kirkcaldy in which the laird of Pittadie was slain and Sir John wounded, with other complaints. *Circa* January 1533-4. 73

76. Precept of Remission by King James the Fifth to John Melville of the Raith, knight, his "louit familiar seruitour," who had been decerned by the lords of Council to have wilfully erred because he retoured that the lands of Lundy and others, belonging to Walter Lundy of that ilk, were holden of the king by service of ward and relief, without seeing a sufficient charter thereon; the king understanding that at the time of serving the brieves the said John was of imperfect age, and had since waited upon the king's service, as he still did, remits to him the escheat of his goods for the said cause, discharges him from remaining in ward, and rehabilitates him in all points. Linlithgow, 7th January 1539-40. 77

77. Extract from the rental of Monimaill in 1540, showing that the "Smythe-land" was let to Jonet Thomson and her assignees for nineteen years, beginning 5th January 1540, under the common seal, by Cardinal Beaton, for 13s. 4d. yearly. The brewhouse, with the brewlands, to Sir Alexander Duncan, curate of Monymele, for nineteen years, beginning 5th January 1540, for 20s. and 6 poultry, also by the cardinal. The mill of Monymele, for 3 li. 6s. 8d., 12 capons and 6 poultry, half of it let to David Dury and James Dury, his son, for nineteen years, etc. Chapel of St. Leonard, yearly, 13s. 4d. and 6 poultry, in the hands of Robert Dury of that ilk. The total money rent of the lordship, with augmentation of the feufarm of Pitcunte and Murefield, £76, 8s. 8d. With the rents also of Cragfudy, Kembak, and Kynnard. 78

78. Lease by David Beaton, cardinal of the holy Roman Church, archbishop of St. Andrews, etc., with consent of the chapter, letting to David Bontaneroun (Bonthron) and his assignees the eighth part of the town and lands of Letham, in the lordship of Monymele, regality of St. Andrews and sheriffdom of Fife, for nineteen years next after the date, which is the term of entry, for £4 Scots, 4 bolls of meal, 6 capons, and a dozen poultry yearly. Church of St. Andrews, 5th January 1540. 79

79. Lease by Cardinal David Beaton, archbishop of St. Andrews, etc., with consent of his chapter, in consideration of benefits conferred on him by an honourable man, Mr. Henry Balnavis, and for augmentation of his rental by 2 merks 4s. 8d. Scots yearly, letting to the said Henry and Christian Schevis, his spouse, etc., the lands of Petcunte

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and Murefeild, in the lordship of Monymale, regality of St. Andrews and sheriffdom of Fife, free from payment of teinds to the parish church of Monimail: which lands of Petcunte were valued in the ancient rental, with teinds included, at 28 merks, and Alexander, archbishop of St. Andrews, had let them along with the sheep, cows, and oxen thereon, for a certain time, to Robert Arnot of Wodmyll, for 40 merks, and then they had been let by Andrew, archbishop of St. Andrews, for 28 merks, and had been so let since, though the sum of 40 merks was contained in the new rental, allowance for the said sum being made yearly to the chamberlains, etc. The lands of Murefield were valued at 37s. 4d. and a dozen poultry. Further, incorporating the foresaid lands of Petcunte and Murefield in one free tenandry, to be called the tenandry of Petcunte: To be held to the grantees and the survivor, in conjunct fee, and the heirs of their bodies, whom failing, the nearest heirs or assignees of the said Henry, of the granter and his successors, archbishops of St. Andrews, in feu farm, heritage, and free tenandry; paying for Petcunte 30 merks yearly, and for Murefield 42s. and a dozen poultry; with a duplicand at the entry of each heir; and three suits of court at the three head pleas to be held yearly at St. Andrews, in name of feufarm only. With a clause of warrandice. St. Andrews, 7th March 1540-1, ... 81

80. Letters of Reversion by Archibald Betoun of Capildra, lawful heir to the late James Betoun, archbishop of St. Andrews, in favour of John Melville of Raith, knight, his heirs and assignees, to the effect that though the said John Melville had sold to the late archbishop the sunny half of his lands of Turbane, in the sheriffdom of Fife, and regality of Dunfermline, for 600 merks Scots, to be held of the abbot and convent of Dunfermline; and the archbishop had given a letter of reversion for that sum on condition that the redemption was made within eight years; nevertheless the said Archibald binds himself that whenever the said John Melville, his heirs or assignees, should pay to him or his heirs, in the city of St. Andrews, in St. Salvador's kirk, the said sum, he would thereupon resign all his right to the said lands. Linlithgow, 26th July 1545. Witnesses, Alexander Wemyss of Lathokker, Mr. Andrew Betoun, parson of Esse, and Michael Balfour, ... 84

81. Licence by Mary, Queen of Scots, with consent of her mother, and James, Earl of Arran, Lord Hamilton, governor, to John Melville of Raith, knight, to write to England as to the liberation of James, Lord Fleming, from that country, to be exchanged for another gentleman forth of France that was in the castle of St. Andrews, Melville to

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incur no danger. Said to be subscribed by the queen's mother and governor, but signed only by the latter. Edinburgh, 1st June 1548, 86

82. Extract from the Justiciary Court Books, narrating the proceedings of a court of justiciary held in the tolbooth of the burgh of Edinburgh on 13th December 1548, before Andrew Kar of Dolphintoun, provost of Edinburgh, and Patrick Barroun of Spittailfeild, justiciars-depute of Archibald, Earl of Argyll, justice-general of the whole kingdom, and an assize consisting of Robert, Master of Sempill, Gilbert, Earl of Cassillis, Andrew Lundy of Balgony, John, Lord Borthwick, and others, before whom John Melville of Raith, knight, compeared in judgment, and was convicted of treason, in receiving letters from John Melville, his natural son, and sending a treasonable letter in return in the year 1547, informing his son of the secret affairs of Scotland, etc. For which he was condemned to death, and his goods escheated. 13th December 1548, ... 86

83. Copy of the letter referred to in the previous writ (No. 82 *supra*), sent by Sir John Melville of Raith to his natural son, John Melville, stating, *inter alia*, that the Earl of Argyll was making himself strong, and coming to Dundee to besiege Broughty Castle, and that his son might get information useful to the Protector [Somerset] in Lothian, etc. Raith, 10th January 1547-8, ... 89

A note at the end states that on 13th December 1548, John Melville of Raith confessed in judgment that the letter was written by his own hand and sent by him to his natural son. 89

84. Charter by David Hamilton, third son of James, Earl of Arran, governor of Scotland, narrating that Queen Mary, with consent of his father, had presented Katherine Melville, daughter of the late John Melville of Raith, knight, to the mill called Schawismylne, which formerly pertained to her heritably, held in chief of the said John Melville, and now in the queen's hands by reason of the forfeiture of the said John Melville; and that the queen had also presented the said David as tenant to George, commendator of Dunfermline, superior of the whole lands of Raith, of which Schawismilne was a part, commanding the said David at the same time to receive the said Katharine as heritable tenant of the said mill, wherefore he, with consent of his father, grants the said mill to her: To be held to her and her heirs of the granter and his heirs in fee and heritage for ever, for payment of a penny Scots at the said mill at Whitsunday. Edinburgh, 1st July 1549. Witnesses, John, archbishop of St. Andrews, Robert Carnagy of Kynnaird, Alexander Guthry, and Matthew Hammiltoun of Milneburne, ... 90

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85. Notarial Instrument of Appeal, narrating that, in presence of the notary and witnesses, there compeared an honourable woman, Elen Naper, widow, relict of the late John Melville of Raith, knight, and presented her schedule of appeal to the notary as follows:—Appeal by Elen Naper, relict, etc., feeling aggrieved by John, archbishop of St. Andrews, primate of Scotland, etc., or his official principal of St. Andrews, or his deputes, first, because, at the instance of Sir George Kedzow, alleged chaplain, the archbishop had fulminated pretended monitorial letters on an alleged provision of a pretended chaplainry, against the rentallers and others for paying to him the rents, etc., belonging to the pretended chaplainry, called the chaplainry of John Multra of Markhensche, within the parish church of Kinghorn Easter, and also against the appellant for payment to the said Sir George Kedzow of 12 merks Scots, as due to him for the year 1549 from the lands of Raith, Pitconmur, and Turbane, as if the appellant were the lady and possessor of the said lands, whereas before Whitsunday in that year, by reason of the death of the knight, her spouse, adjudged to death, the lands had fallen into the hands of Mary, Queen of Scots, James, Earl of Arran, governor, or George, abbot of Dumfermling, as lords superior; secondly, the annual rent claimed, if any existed, must therefore have reverted to the lords superior, unless it had been made in mortmain, which was not the fact; third, so far as the appellant cultivated the said lands she did it only by tolerance of the queen, etc., and she therefore appeals from the archbishop to Pope Paul the Third and the holy apostolic see. Done in the parish church of Kirkcaldy, 30th March 1550. Witnesses, John Halden, Sir Symon Cowane, chaplain, and others. An indorsation intimates that on the 5th of April 1550 the present appeal was intimated by Mr. John Robisoun, appellant's procurator, at the stall of the archbishop in the choir of the metropolitan church, but because the archbishop was absent, living at present out of St. Andrews, the procurator protested that his present intimation and craving of letters dimissory and seeking the archbishop at his stall should be accounted in place of such letters. Witnesses, Sir Andrew Ballon, prior of Inchmaholm, Mr. Patrick Cokburn, Henry Douglas, son of Henry Douglas of Drumgarland, and others. Also on 5th April the procurator intimated the appeal to the lord official principal of St. Andrews, and craved letters judicially: who granted to him letters refutatory. Witnesses, Mr. James Rolland, and others, ... 92

86. Letters directed by Mary Queen of Scots to her sheriffs of Edinburgh, Stirling, Fife, Perth, to the lion-king-of-arms and his heralds, intimating that of her special favour, and at the request of the most

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Christian king of France, she had forgiven and remitted to James Kyrkcaldy of Grange and Mr. Henry Balnaves of Halhill, all crimes of treason, lesemajesty, and other crimes committed by them before the date hereof, especially in the turbulent time of her minority, and received them as her faithful and obedient subjects. And further, lest if they should be called before any judge at the instance of any private party, especially for what was done at the siege of the castle of St. Andrews, the queen's mercy and grace might rather do them harm than good, she therefore takes them under her protection and safeguard, and exempts them from all judges, spiritual and temporal, concerning any crime which may be imputed to them, especially from the time they entered the castle of St. Andrews till the present date, and that for the space of two years. The sheriffs in that part are therefore directed to charge the chancellor, lords of Session, etc., not to grant letters against Kirkcaldy or Balnaves at the instance of any person during the time foresaid, on pain of deposition from their offices. Given under the signet at Paris, 17th February 1556. Signed, Maria. An indorsation states that proclamation of this exemption and safeguard was made at the market cross of Edinburgh, 24th May 1557. Witnesses, Lyon, and Ross, heralds, Bute and Carrick, pursuivants, Creichtoun of Lugtoun, younger, and others, ... 95

87. Retour of inquest made in the tolbooth of Dunfermline, in the court of the regality thereof, before Patrick Halkheid of Pytfyrran, and William Durie, bailies of the said regality, by William Orrok of that ilk, Archibald Prestoun of Valayfeild, Patrick Blacater in Myllhyllis, John Futhye of Foulismyll, Henry Valleng in Wester Gellat, Cuthbert Blacater of Blairhall, and other persons of inquest, who being sworn, found that the late Katharine Melville, daughter of the deceased John Melville of Raith, knight, and mother of John Brown, died last vest in the mill called Schawis Mill, in the sheriffdom of Fife and regality of Dunfermline; that the said John Brown was her nearest heir, was of lawful age in respect of his infeftment; and that the mill was held in free blench of David Hamilton, third son of James, Earl of Arran, in whose hands they had been for two terms since the death of the said Katharine, who died in May last, etc. 10th February 1558-9, ... 98

88. Charter by Francis and Mary, King and Queen of Scots, Dauphin and Dauphiness of Vienne, by which after their perfect age of twelve years and general revocation in parliament, they grant and confirm to "their well-beloved servitor," Robert Melville, his heirs and assignees, an annual rent of 41 merks 3s. 4d. Scots, to be uplifted from the mains of Hiltoun of Rossyith, and another of 2 merks 10d. from the

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same lands, which belonged formerly to John Melville of Raith, knight, and had fallen into their Majesty's hands through the process of forfeiture led against him: To be held to the said Robert, his heirs and assignees, of the granters and their successors, in fee and heritage. Witnesses, John, archbishop of St. Andrews, George, Earl of Huntlie, Lord Gordoun and Badzenach, etc., chancellor, Donald, abbot of the monastery of Cupar, keeper of the privy seal, and others. At Edinburgh, 10th October 1559, ... 99

89. Resignation by Robert Melville of Murdochcairnie, of the two annual rents above specified out of the mains of Hiltoun of Rosyth, in favour of his beloved brother, John Melville of Raith, his heirs and assignees, so that he might peaceably enjoy the same as heir to his father. Edinburgh, 31st December 1560,..... 100

90. Contract between John Melville of Raith and Robert Melville, his brother-german, by which they agree, that as soon as the said John Melville should get reduction of his father's forfeiture, or otherwise obtain security of his lands of Raith, he should resign in favour of Robert, his brother, the three quarters of the lands of Murdochcairnie, reserving their mother's liferent of the same; for which the said Robert should resign to the said John his "kindness" of the Abdene of Kyngorn, and labour to obtain the feu thereof to the said John, and pay half the sums needful for that effect: and if the said John did not get security of Raith, he should pay 1000 merks for the said "kindness," etc. The parties bind themselves to keep this agreement, the said John specially obliging himself under the penalty of 1000 merks. Edinburgh, 18th March 1560, ... 101

91. Extract Act of Parliament held at Edinburgh, 4th June 1563, anent the summons at the instance of Helen Napar, relict of Sir John Melville of Raith, knight, John Melville their eldest son, Robert Melville their second son, and remaining children of Sir John and the said Helen, against Mr. John Spens of Condy and Robert Creichtoun of Eliok, advocates to the queen; Mr. Robert Richartsoun, prior of St. Mary Isle, treasurer, John Wischert of Pettarro, knight, comptroller; Archibald, Earl of Argyll, justice-general, successor in the office thereof to the late Archibald, Earl of Argyll, principal justice-general at the time; Andrew Ker, then of Dolphintoun, and now of Hirsaill, knight, and others, craving that the sentence of forfeiture passed in the justice court held in the Tolbooth of Edinburgh, 13th December 1548 (No. 82 *supra*), by Sir Andrew Ker and Patrick Barroun of Spittelfield, against the late Sir John Melville of Raith, should be rescinded and annulled. The parties pursuing appearing by them-

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selves or their procurators, but the defenders not compearing, the queen and parliament, all in one voice, rescinded the doom of forfeiture, etc., and restored the said Helen Napar, and the children of her and Sir John *in integrum* to the estate, honour, and dignity they formerly held before the sentence was pronounced, as if the same had never been given, ... 102

92. Contract between John Melville of Raith and Robert Melville, his brother-german, by which the former bound himself to obtain himself served as heir to his late father in the lands of the three quarters of Murdocairnye, and immediately thereafter to infeft the said Robert and his heirs heritably therein; while, in return, Robert resigned to John and his heirs all right and "kindness" that he had to the lands of the Abthane of Easter Kinghorn, and obliged himself to use all diligence to obtain the feu of the said lands to the said John and his heirs, and to pay half the costs, and to grant a reversion to the said John of the lands of Cairnye on such sum as they should agree on, with advice of William Kirkcaldy of the Grange, knight. Edinburgh, 31st July 1563. Witnesses, David and Walter Melville, their brothers-german, and Mr. Clement Litill, ... 108

93. Retour of Inquest, made in the sheriff-court of Fife, held in the tolbooth of the burgh of Cupar, before David Arth and David Luklaw, sheriffs-depute of Fife, 10th November 1563, by William Barclay of Touch, George Ramsay of Clatty, Arthur Forbes of Reres, Andrew Balfour of Montquhany, David Ramsay of Brakmonth, Andrew Farny of that ilk, Patrick Kynnynmonth of Craighall, Walter Gourlay of Auchtermerny, John Melville of Carnebe, Andrew Balfour of Petcullo, David Lindesay of Pyotstoun, John Brown of Fordell, and David Hay of Sandfurd, who found that the late John Melville of Raith, knight, father of John Melville, died at the peace and faith of the queen; and that John Melville is nearest heir of Sir John, his father, and is of lawful age. 10th November 1563, ... 109

94. Obligation by James Sandilands of Torphichen, to pay to her Majesty, Mary Queen of Scots, the sum of 10,000 francs, as the balance of a contract made between her Majesty and him; 6000 francs before 1st September, and 4000 on 1st March 1564-5. At Edinburgh, 1st March 1563-4. Witnesses, William Maitland, Lord Secretary, Angelo Manelli, Mr. George Bucquenen (Buchanan), ... 109

95. Bond by Archibald, Earl of Argyll, James, Earl of Moray, Alexander, Earl of Glencairn, Andrew, Earl of Rothes, Robert, Lord Boyd, Andrew, Lord Ochiltree, and others; by which they bind themselves

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as follows :—(1) They shall be faithful subjects to Henry, King of Scotland, husband to the queen; (2) In the first parliament they will consent to give the crown matrimonial to the said prince; (3) They shall maintain the prince's just title to the crown failing succession of the queen's body, and extirpate out of the kingdom, take, or slay, all opposers; (4) They shall maintain the religion established in the kingdom after the queen's arrival; (5) They shall be leal and true to his Majesty; (6) Labour with the Queen of England for the release of his mother and brother; and (7) To procure the Queen of England's favour to the prince. Signed only by James Stewart, Rothes, Andrew Stewart of Vchiltre, W. Kirkcaldy [of Grange], John Wischart of Petterro, and James Halyburtoun. Newcastle, 2d March 1565-6, ... 110

96. Proceedings at an inquest on the service of John Melville of Raith in the court of the regality of Dunfermline, held, notwithstanding Passion-week, under dispensation of the king and queen, by Patrick Hackat of Pitfirren, and William Durrye, bailies of the regality. The inquest comprised William Kyrcaldie of Grange, knight, David Wemis of that ilk, David Lyndsay of Kyrkforthir, James Gyb of Ballyngkyrk, and other persons of inquest. An objection was taken by John Kynnynmonth in Coilquhalie, to the serving of the brief because he had an instrument of sasine of an annual rent of 26 bolls of oatmeal and six bolls of beir of the half of Turbane, dated 27th September 1557, in which half lands John Kynnynmonth and Isobel Betoun, his spouse, were infeft. To which John Melville of Raith answered, the instrument alleged could give the said John Kynnynmonth no interest to stop the service, because, so far as the said half lands had been alienated to the late Archibald Betoun of Capildra by the late John Melville of Raith, knight, the lords of Session, by decreet dated 5th May last, in a process at the said John's instance against John Betoun of Pitlowthe or Capildra, heir of the said Archibald, had decerned them to be lawfully redeemed; and also, being only for an annualrent, the said John Kynnynmonth's claim could not stop the service. And, accordingly, the inquest served the said John Melville of Raith in the lands of Raith, Turbane, and Pitconmark, conform to an instrument of sasine of the late John Melville of Raith, his father, dated 24th November 1502; and John Kynnynmonth protested that such service should not prejudice him in his annualrent aforesaid. Dunfermline, 11th April 1566, ... 112

97. Precept under the quarter seal by Mary, Queen of Scots, narrating a gift to her well-beloved Robert Melville of Murdocarny, his heirs and

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assignees, heritably, of the keeping of her palace of Linlithqw, with parks, peels, loch, etc., lying near the burgh of Linlithqw, and in the sheriffdom thereof, rescinding all other letters of gift of the same; and charging her sheriffs of Linlithqw in that part to give sasine thereof to the said Robert. Edinburgh, 15th February 1566-7..... 116

98. Gift by Mary, Queen of Scots, whereby for the good, true, and thankful service done and to be done to her by her "traist and familiar" servitor, Robert Melville of Murdocarny, she gives and dispones to him in yearly pension, for his lifetime, the rents, etc., of his lands of Murdocarny, extending to £21 money, 1 chalder 8 bolls beir, 1 chalder 4 bolls wheat, to be retained in his own hands for his pension, his entry to be at Whitsunday 1567, and on the crop of the same year, etc. Subscribed by the queen, and given under her signet, at Edinburgh, 5th March 1566-7..... 116

99. The testament and inventory of the goods pertaining to the deceased Mr. Henry Balnaves of Halhill, one of the senators of the college of justice, who died in the month of February 1569-70, given up partly by himself on the 3d January of that year, and partly by James Melville, his adopted son, nominated his executor testamentar in his latter will. The sum of the inventory and debts owing to the dead was . . . . . £426, 6s. 4d.
Of the debts owing by the dead, 172, 15s. 2d.
And of free gear, . . . 333, 11s. 2d.
In his legacy and latter will, made on the 3d January 1569-70, he constituted the said James Melville, his adopted son, his only executor and intromitter with his goods and gear, leaving him the whole heirship in the Hallhill, etc. The testament was confirmed by the commissaries of Edinburgh, at Leith, 17th March 1571-2, ... 117

100. Testament-Dative and Inventory of the goods and gear of Margaret Bonar, Lady Raith, who deceased in the month of October 1574, given up by her husband, John Melville of Raith, father and administrator to Agnes and Jonet Melville, their lawful children, executors-datives decerned to her by the commissaries of Edinburgh, by decreet, dated 17th February 1574-5. The sum of the inventory, with the debts owing to the dead, was . . £1037, 5s. 8d.
Debts owing by the dead, . 771, 16s. 2d.
Leaving of free gear, . . 265, 9s. 6d.
The commissaries of Edinburgh confirm the testament and constitute Agnes and Jonet Melville, lawful daughters to the said Margaret, as nearest of kin to her, her executors-dative, etc. Edinburgh, 10th March 1574-5, ... 131

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101. Receipt by George Meldrum of Fyvie to Sir Robert Melville of Murdocarnye, knight, for a garnishing of gold, set with pearl, diamonds, and rubies, which had been pledged by him in Sir Robert's hands. Edinburgh, 27th April 1585. Witnesses, John Meldrum of Jaxistoune, Andrew Meldrum, apparent of Jaxistoune, John Meldrum, brother to the laird of Fyvie, Thomas Meldrum, at the mill of Knok Leith, ... 124

102. Letters by Patrick, Master of Gray, commendator of the abbey of Dunfermline, with consent of the convent, narrating that the late George, archdean of St. Andrews, and commendator of the said abbey and convent for the time, had resigned in the hands of King James the Fifth the port and haven called the haven of Bruntisland, lying contiguous with the lands of Wester Kinghorn, in the sheriffdom of Fife, and also the stone house, called Abbot's hall, with six acres of land near the haven, to be used for building of a town for using the said port; and that the king erected the port into a free port, and the burgh into a burgh-royal; and further, that Queen Mary gave the said stone house and houses adjacent to Sir Robert Melville of Murdocairnie, knight, by whose resignation Robert Melville, his son, was lately infeft in the same; which resignation, erection of the port and burgh, and infeftment made to Sir Robert Melville and Robert Melville, his son, the said commendator duly ratifies and approves by the present letters, signed and sealed at Edinburgh 10th May 1586, and registered by Thomas Craig, procurator for the abbot and convent, 6th July, same year, ... 125

103. Declaration in the form of a Notarial Instrument, narrating that John Melville, elder of Raith, passed to the presence of William Barclay of Towch, who, on his soul and conscience, testified on oath, 1st, that he was never present at any contract made between the late Sir William Scott of Balwerie, knight, and the late Sir John Melville of Raith, and his son; 2d, that he never heard that Sir John had received from the late Sir William Scott 200 merks as part of tocher good; 3d, he had heard the late Sir John Melville of Raith often affirm that he should never put his eldest son in fee of his lands; lastly, Mr. Thomas Scott of Brunscheillis came to him of late years and strove to persuade him that he was a witness to such a contract of marriage, but he constantly affirmed he knew no such thing. Kirkcaldy, 14th May 1586. Witnesses, John Barclay of Towcht. David Barclay, his son, and others, ... 127

104. Agreement between John Melville of Raith with Girsal Meldrum, his spouse, on the one part, and John Melville, apparent of Raith, on the

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other part, narrating the terms of certain contracts of marriage by which it was stipulated that the said John Melville, younger, should be put in fee of the lands and mains of Raith, Turbane, etc., reserving the liferent to the said John Melville of Raith, elder, and Girsal, his spouse, conjunct fee and terces thereof, with liberty to John Melville, elder, to raise upon Fedinche and Pitscottie 12,000 merks Scots, beside 8500 merks previously mortgaged on the said lands for behoof of his children, 3000 being provided to Thomas Melville, lawful son to the elder John and the late Margaret Bonar, his spouse, 5000 to the heirs between the said John Melville of Raith and Girsal Meldrum, his present spouse, and 4000 to the rest of the children between them; with provision that if the said John Melville of Raith, elder, deceased before his son, the latter should pay the annual rents of the said 12,000 merks: for which reasons, and for relieving the said John Melville of Raith, John his son, and his heirs, of the said 12,000 merks, the younger Melville consents and agrees that notwithstanding the said contracts, his father, in satisfaction of the said three sums, shall infeft James Melville, lawful son of John Melville, elder, and Girsall Meldrum, now his spouse, in the lands of Fedinch, in the regality of St. Andrews and shire of Fife, and overgives all right he had therein; and also consents to the alienation made by John Melville, his father, of 400 merks annual from the said lands, on reversion of 4000 merks to the four youngest daughters, Alison, Margaret, Christian, and Catharine Melville, which John Melville, younger, binds himself to pay during the said Girsal Meldrum's lifetime after her husband's decease, etc. Raith, 31st January 1587-8,... 128

105. Discharge by George Auchinlek of Balmanno for 1000 merks due to him by John Melville of Raith, elder, and John, his son, fiar of Raith, promised in a contract of marriage between Isobel Melville, daughter to the laird of Raith, elder, and George Auchinlek, eldest son and apparent heir of the said George Auchinlek of Balmanno, as the first payment of 5000 merks to be made by the said lairds of Raith in tocher good with the said Isobel; and remitting one half of 200 merks promised in the said contract, for the annual rent of 2000 merks, payable twenty days before Whitsunday 1590, thus granting a discharge for the total sum of 1100 merks. Dated at Edinburgh, 25th January 1588-9. Witnesses, Robert Auchinlek, servitor to Sir Robert Melville, Henry Orrok and William Kempt, servitors to the laird of Raith, elder, ... 132

106. Receipt by David Wemyss of that ilk, to John Melville of Raith, for the sum of 2500 merks Scots, in payment of the tocher of his daughter-in-law, Margaret Melville, spouse of James Wemyss, fiar of Bogy, son

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of the said David Wemyss. Dated at the place of West Wemyss, 15th May 1589. Witnesses, David Lindsay of Pyotstoun, Henry Young, notary, and Mr. John Tullus, minister at Wemyss, ... 132

107. Receipt by Michael Balfour of Burley, to Sir Robert Melville of Murdochcarnie, knight, as executor to his late mother, Dame Margaret Balfour of Burley, for a chain of gold, a pair of bracelets, and a tablet set with sapphire, which he accepts as heirship of his mother's jewels. Edinburgh, 23d July 1591, ... 133

108. Contract made between Sir Robert Melville of Murdochcairnie, knight, treasurer, on the one part, and James Balfour, commendator of the priory of Charterhouse, and Mr. Patrick Balfour of Petculloch, his father-in-law, on the other part, by which the said commendator, with consent of Mr. Patrick, sells to Sir Robert, his heirs and assignees, his palace, lodging, and manor place of Monimaill, with houses, etc.; the green lying before the front gate, the common and commonty of Petcountie and Lethame, with all rights not expressly mentioned in the feu-charters of the tenants of Petcountie, Lethame, and Kinzeoquhy, and all other waste places pertaining to the said manor place, etc., in the regality of St. Andrews and sheriffdom of Fife, to be held of the king and his successors in place of the archbishop of St. Andrews, as freely as the late James Balfour held the same, whose infeftment by the archbishop is to be confirmed by the king. In return for which Sir Robert Melville binds himself and his heirs to pay to Mr. Patrick Balfour of Petculloch, in name of the said commendator, 5500 merks Scots, for satisfying the said commendator's debts, and to the said Mr. Patrick's heirs, executors or assignees, on pain of restitution in case of failure. Dated at Edinburgh, 19th December 1592, ... 133

109. Testament-Testamentary and Inventory of the goods and gear pertaining to the late Dame Margaret Ker, spouse to Sir Robert Melville, younger of Burntisland, knight, who died at Murdochcairnie, 24th May 1594, given up by her husband as her executor nominated in her latter will. The inventory amounted to £3740, 10s. In debts to £2254, 13s. 4d., leaving of free gear, £1485, 16s. 8d. Her will, which is dated at Murdochcairny, 7th May 1594, appoints Sir Robert Melville of Murdochcairny, her husband, her sole executor, and, *inter alia*, directs a legacy of £100 to be given to the poor. The testament is confirmed by the commissaries of Edinburgh, 24th July 1595,..... 136

110. Agreement stating that Sir Robert Melville of Murdochcairnie, knight, treasurer-depute to the king, through inability and sickness, being

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unable to exercise his office, had resigned the same in the king's hands, and because his Majesty was owing to Sir Robert the sum of 5000 merks Scots, he and Walter, commendator of Blantyre, his treasurer, agree to pay presently 2000 merks, the treasurer binding himself and his successors to pay the remaining 3000 merks eight days before Whitsunday next. Sir Robert agrees to make count and reckoning for his Majesty's casualties, intromitted with by him since his last account, the balance to be paid at the four ensuing terms. His Majesty, further, with advice of the lords auditors of exchequer, agrees to pay Sir Robert's pension of £500 yearly, and to take his debt of £20,000 to Robert Jowsie, burgess of Edinburgh, off his hands, the 5000 merks and £20,000 to be allowed to Sir Robert in part payment of the extra expenses owing at the last account made by him to the lords auditors in October 1593, which extra expenses amounted to £35,686, 8s. 1d. Scots. Dated at Edinburgh, 13th March 1595-6. Signed by the king and Blantyre. Witnesses, Alexander, Lord of Urquhart, Mr. John Skene, clerk of register, William Schaw, master of work, and James Elphinstoun of Innernochtie,..... 140

111. Testament-Dative and Inventory of the goods of Grissel Meldrum, spouse of John Melville of Raith, in the parish of Kirkcaldy and sheriffdom of Fife, who deceased in October 1597, given up by the said John Melville, as father and administrator to Margaret, Christian, and Catherine Melville, their lawful bairns and executors-dative, surrogated to their late mother, in place of the procurator-fiscal, by decree of the commissaries of Edinburgh, dated at Edinburgh, 23d December 1598. The inventory of the goods and gear of the deceased and her spouse at the time of her death amounted to . . . . . £6564, 13s. 4d.
Debts owing to her, . . 2140, 0s. 0d.
Debts owing by her, . . 8730, 6s. 8d.
The commissaries duly grant confirmation. Edinburgh, 26th December 1598,..... 142

112. Discharge by King James the Sixth, by which, in consideration of the good, true, and thankful service done to him since his infancy by Sir Robert Melville of Murdochcairnie, knight, and his son, Sir Robert Melville of Burntisland, knight, which had not yet been duly recompensed, his Majesty exoners and discharges the said Sir Robert and Sir Robert, his son, and Dame Jane Hamilton, spouse to the said Sir Robert, younger, for their lifetimes, of all payment of ferms, customs, and duties contained in their infeftments of feufarm of the lands of

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Murdocairnie, part of the king's property, in the sheriffdom of Fife, for all years bypast and to come during their lives. Dated at Ware, 20th February 1605, ... 147

113. Will of Dame Marie Leslie, spouse of Sir Robert Melville of Murdochcarnie, knight, made by herself at Monimail, 28th March 1605, before Mr. Andrew Bennat, minister at Monimail, and David Young, servitor to Sir Robert, in which she constitutes her husband her sole executor, and appoints several legacies to be paid, ... 148

114. Testament-Testamentary and Inventory of the goods and gear of John Melville, elder, of Raith, who died in the month of March 1605, given up by himself at the Raith, 16th January same year, before Sir James Melville of Halhill and others. The inventory amounts to £429, 6s. 8d.; debts owing to the dead, £432, 3s. 4d.; debts owing by the dead, £1597, 18s. 8d. In his latter will he constitutes his sons, Thomas and James Melville, his executors, and recommends to his brothers and his wife his younger daughter, Katharine; to his brother, Sir James Melville and his wife, his daughter Christian; and to Sir Robert Melville, his nephew, and Lady Ross, his wife, his daughter Margaret, "being cairfull to prowyde for the weill of his thrie dochterris yet vnmareit, that they may be in gude cumpaney, to be brocht vp in the knawlege and feir of God and all honest vertewis." Dated at Raith, 16th January 1605; James Melville of Halhill, and others, witnesses. The commissaries of Edinburgh confirm Mr. Thomas Melville as only executor, James Melville renouncing the office. 19th March 1606, ... 149

115. Licence by the Lords of Secret Council, permitting John Melville of Raith to remain at home from the king's host appointed to meet at Islay on the 24th day of July. Edinburgh, 14th September 1608, 152

116. Patent by King James the Sixth, by which, in consideration and remembrance of the many great and most honourable offices and duties which Sir Robert Melville of Murdochcairnie, knight, had discharged from his youth, both in the reigns of the king's predecessors, and in his Majesty's own service, in embassies to foreign princes, and in domestic affairs, in administration of the king's rents, etc., which duties he had always discharged, both to the king's satisfaction and that of his subjects, his Majesty grants to the said Sir Robert Melville, for his life, and after his decease to his eldest son, Sir Robert Melville of Burntisland, knight, and the heirs-male of their bodies, the style, title, and dignity of a lord and baron in the parliament of Scotland, with the style of Lords Melville of Monimail. Whitehall, 1st April 1616, ... 152

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117. Discharge by Jean Melville, daughter to John Melville, elder, of Raith, acknowledging receipt of and discharging the sum due to her under a contract, of date, at Raith, 8th March 1616, made between John Melville, elder, her father, and Margaret Scot, her mother, and John Melville, younger, of Raith, by which John Melville, younger, was bound to pay to the said Jean Melville, her heirs and assignees, the sum of 3000 merks Scots at Whitsunday 1617. Raith, 2d May 1618, 153

118. Discharge by Bathia and Margaret Melville, daughters of the late John Melville of Raith, in virtue of a contract between him and John Melville, now of Raith, their eldest lawful brother, by which the latter was bound to pay to Bathia £1000 Scots at Whitsunday 1619, and to Margaret £1000 Scots at Whitsunday 1620; of which sums they now discharge their brother, he having paid the same. Kirkcaldy, 19th May [1620]. Witnesses, Thomas Melville, their brother, and others, ... 154

119. Testament and Inventory of Robert, Lord Melville, given up by himself on the 5th December 1621 before Robert Murray, provost of Methven, and others. In his latter will he nominates his cousin, Mr. Thomas Melville, his only executor and intromitter with his goods and gear, ordaining him to pay certain legacies left by him with the advice of his son, Robert, Master of Melville, ... 155

120. Charter by King Charles the First, under the great seal, approving and confirming a charter and disposition, dated at the manor place of Raith, 18th April 1616, by the late John Melville, elder, of Raith, heritable proprietor thereof, and Margaret Scot, his spouse, to John Melville, younger, their eldest son and apparent heir, and the heirs-male of his body, whom failing, to the nearest heirs-male of the said John Melville, younger, and his assignees whomsoever, of the lands of Raith, with castle, etc., and all their pertinents, viz., the lands of Turbane and Pitconmark, with the mill called Schawismylne, in the regality of Dunfermline and sheriffdom of Fife; reserving to the said John Melville, elder, and Margaret Scot, his spouse, their liferent of the south half of the Mains of Raith for their lifetimes: to be held of his Majesty's mother, Anna, late Queen of Scotland, lady of the lordship and regality of Dunfermline, and her heirs and successors, superiors thereof, in fee and heritage, as more fully contained in the charter made thereupon; which the king confirms in all points, dispensing with the taking of sasine before the date of this confirmation, etc. Further, the king grants the said lands *de novo* to the said John Melville, now of Raith, his heirs-male and assignees (reserving the liferent of the south half of the Mains of

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Raith to the said Margaret Scott, spouse of the said late John Melville, elder, of Raith); and further the king unites the whole lands into one free barony to be called THE BARONY OF RAITH, the manor place and fortalice of Raith to be the principal messuage: To be held of the king and his successors in fee and heritage, for payment yearly of £5 Scots of annual rent, with ward and relief, performing forinsec service, with three suits of court at the three head courts at Dunfermline, and fulfilling all conditions in previous infeftments of the said John Melville of Raith and his predecessors, heritable feufarmers of the same. Edinburgh, 3d February 1626,..... 157

121. Testament-Dative and Inventory of the goods and gear of the late John Melville of Raith, in the parish of Kirkcaldy and sheriffdom of Fife, who deceased intestate in the month of January 1626, given up by Margaret Scot, his relict, and by David, Mr. Thomas, Bathia, Margaret, and Effie Melville, their bairns and executors-dative, decerned by decree of the commissary of St. Andrews, 22d March 1627. The sum of the inventory is £853, 6s. 8d., the debts owing by the dead £163, 13s. 4d. The testament is confirmed by Mr. James Wemyss, commissary of St. Andrews, 20th April 1627, ... 161

122. Commission by the Convention of Estates, the noblemen, lords of parliament, commissioners of shires, and commissioners of burghs for the parliament of Scotland, narrating the condition of affairs in church and state, and that they have unanimously chosen General Sir Alexander Leslie to be general of all the Scots forces, foot and horse; they further promise obedience to him in his military charge, he being answerable to the Council of State and supreme judicatories of the kingdom, civil and ecclesiastical. The commission to endure so long as they were necessitated to be in arms for the defence of the Covenant, religion, crown, and country. 9th May 1639, ... 162

123. Commission by the Estates of Scotland, narrating that in consideration of the wars concluded against the kingdom in the Council of England and parliament of Ireland, and begun by the governor of the castle of Edinburgh and Englishmen therein, who had shot at the burgh of Edinburgh, etc., and of their experience of the great wisdom, diligence, and affection of General Sir Alexander Leslie of Balgony, knight, in the discharge of the former commission granted to him, they have chosen him to be general of all the Scots forces, and promised dutiful obedience to him, engaged to maintain the general and his posterity, and refund any loss he might sustain; he being answerable to the Council of State and supreme judicatories of the

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kingdom, civil and ecclesiastical. The commission to endure so long as they were necessitated to be in arms for the defence of the Covenant, for religion, crown, and country, or till it was discharged by the Estates. Edinburgh, 17th April 1640, ... 164

124. Patent by King Charles the First, narrating that he understood how great honour and esteem General Sir Alexander Leslie of Balgony, knight, had acquired in Germany and Sweden, and other foreign regions, etc., and thereby had added honour and reputation to the ancient kingdom of Scotland, wherefore the king creates and constitutes Sir Alexander and the heirs-male of his body, Earls of Leven and Lords of Balgony, granting him and them the title of earl and lord of parliament: To be held of the king and his successors in all his parliaments, etc. Dated at the palace of Holyroodhouse, 11th October 1641, ... 167

125. Commission by King Charles the First, narrating that the Estates of Scotland, from their sense of the constant peace lately established between the kingdoms of Scotland and England, had, on the first rumour of the Irish rebellion, offered to the king sitting in plain parliament, 10,000 men to repress the rebellion, if the parliament of England would accept the same, who received the offer with the greatest affection, and by a commission decided as to their subsidy and pay, etc. Further, having had experience of the courage and endowments of Alexander, Earl of Leven, Lord of Balgony, and his prudence and good fortune in leading of armies, the king, with advice of his Privy Council, makes him commander of the said army of 10,000 men, levied and to be levied in the kingdom of Scotland for the repression of the Irish rebellion, with power to transport the same to the kingdom of Ireland, and especially to the province of Ulster, and to use all necessary means for the suppression of the said rebellion, the earl and his officers being answerable to the king and lords of the Privy Council. Dated at York, 7th May 1642,..... 168

126. Testament of John, Lord Melville of Monimail, in which he gives directions to those whom he had appointed to execute his will after his decease for numerous legacies to be paid to various relatives and friends. Dated at Monimail, 8th May 1642,..... 170

127. Testament of Alexander, Lord Balgony, constituting William, Master of Cranstoun, Sir John Ruthven of Dunglas, knight, Walter Dundas, younger, of that ilk, Sir John Leslie of Newtoun, knight, one of the senators of the college of justice, Arthur Erskine of Scottiscraig, and John Rentoun of Lambertoun, tutors-testamentar to

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Alexander Leslie, his son, Lady Catherine and Lady Agnes, his daughters, or so many of them as shall not be past the age of tutory at the time of his decease; Arthur Erskine, Walter Dundas, younger, and John Rentoun, or any of them, to be *sine quo non*, they or any of them, with any two of the other tutors, to be a quorum; and appoints John, Earl of Rothes, Hew, Lord Montgomerie, Alexander, Earl of Leven, Captain John Leslie and Mr. James Baird, advocate, to be overseers, and exact an account from the tutors every year. Edinburgh, 12th January 1644,..... 172

128. Bond of Provision by Alexander, Earl of Leven, Lord General of the armies of Scotland, narrating that though he had provided his estate to his grandson Alexander, Lord Balgony, son to Alexander, Lord Balgony, his son, and his heirs-male and of tailzie, yet by the infeftments thereof he had power to contract debts affecting the said lands. Wherefore for a provision to be secured to Mistress Katherine Leslie, only daughter to the said late Alexander, Lord Balgony, he obliges himself, and his heirs, and specially the said Alexander, Lord Balgony, his heirs and successors in the said lands and heritages, to pay to Mistress Katharine Leslie, her heirs, executors and assignees, the sum of 40,000 merks Scots, at Whitsunday or Martinmas immediately following her age of fourteen years; and because by the entail the said Mistress Katharine was excluded from succeeding to the lands, it is declared that an additional 20,000 merks, making in all 60,000 merks, shall be paid to the said Mistress Katharine immediately after the death of Lord Balgony, should he die without heirs. Newcastle, 3d January 1646. Witnesses, Sir James Lumsden, governor of Newcastle, Colonel Lodovic Leslie, governor of Tynmouth Castle, and Mr. Thomas Henderson, advocate, secretary to his Excellency,... 173

129. Testament by Alexander, Earl of Leven, by which he makes and constitutes Alexander, Lord Balgony, his grandson, his only executor and intromitter with his goods, gear, jewels, etc., and ordains that the jewel gifted to him by the King of Sweden should not be disposed of, but kept for those who should succeed to his estates, "as ane testimonie and memoriall of the King of Swedines respectes to me;" and recommending to Lord Balgony to use all endeavours to obtain for Mrs. Jonet Crichtoun, his granddaughter, the sum due to her by the Viscount of Frendraught, her father, and recommending also Lachlane Leslie, who had been a faithful servant to the earl, etc. Balgony, 15th October 1656, ... 175

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number of judges of exchequer required to form a quorum. Holyroodhouse, 4th January 1658-9. 176

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132. Protection by King Charles the Second in favour of [Catharine] Countess of Leven, from all hornings, captions, arrestments, and executions of the law, for any civil claim or debt for the space of three years after date. Windsor Castle, 7th July 1675, ... 177

133. Act by the Commissioners of the Treasury regarding a petition by Catharine, Countess of Leven, and George, Lord Melville, her tutor, stating that the reddendo of some of the petitioner's lands was a white pannash or a single feather, to be paid at Balgony at Whitsunday, as blench farm, which hitherto had not been valued by the lords, had now been rated at £100 Scots yearly, to which the petitioner objects, and prays the lords to delay liquidating the price of the said feather. The lords, however, adhere to their former valuation of £100 Scots to begin for the year 1674. Edinburgh, 16th July 1675, ... 178

134. Commission by James, Duke, and Anna, Duchess of Buccleuch and Monmouth, to George, Lord Melville, to be their factor and commissioner, to act on their behalf and settle an action with the town of Hawick anent dividing a commonty there; further to arrange with the heirs of Scott of Bonnytoun, chamberlain to the lordship of Dalkeith, in an action of count and reckoning, and to dispose of other pleas. Whitehall, 27th July 1678, ... 179

135. Testament of George, Lord Melville, constituting Lady Catharine Leslie, Lady Melville, his spouse, sole executrix and universal legatrix to his moveable goods and gear; and appointing David, Earl of Leven, his second son, Alexander, Master of Melville, his eldest son, James Melville of Cassingrey, his brother, John Melville of Cairnie, James Lundie of Auchtermairnie, and David Balfour of Grange, tutors-testamentar to his youngest son, Mr. John Melville, during his pupillarity. April 1683, ... 181

136. Instructions by the Privy Council to General Drummond, in pursuance of a commission of justiciary granted to him—to take and kill rebels and their resetters, and put to death any person who would not disown a late traitorous declaration. 4th and 22d November 1684, 182

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137. Petition by Catharine, Lady Melville, to the Duke of Queensberry, his Majesty's high commissioner, and the estates of parliament—the lords of the articles having proceeded against Lord Melville, her husband, in the process of treason, and sustained the article relating to his correspondence with the rebels at Bothwell Bridge, and found it proven, Lady Melville petitions against the same because the Duke of Monmouth did direct and authorise Lord Melville to send propositions to the said rebels. An interlocutor appended states that the petition was refused. 12th June 1685, ... 182

138. Address by noblemen, gentlemen, and heritors of the sheriffdom of Ayr, who assembled in the tolbooth of Ayr, by warrant of the Earl of Dumbarton, commander in chief of his Majesty's forces, and in his absence Lieutenant-General Drummond being present, at his request, and to show their abhorrence of rebellious principles and practices, did engage to extirpate, kill, and apprehend certain rebels, etc.; wherefore they crave the Privy Council to grant them a sufficient number of footmen for the service. Signed by the Earl of Eglinton as preses, 1685, ... 183

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144. Memorial by David Cairnes, showing that he was one of the first that encouraged the defence of Londonderry, and was sent by the city as agent to Britain to crave assistance; that he had lost his houses in Londonderry, and was at present deprived of his estate in Ireland, and therefore craved the lords of the committee for Irish affairs to further his wishes for employment. With a certification, dated Whitehall, 11th March 1688-9, by Charles, Earl of Shrewsbury, Secretary of State, that David Cairnes was appointed by the committee to repair to Ireland, ... 194

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150. Memorial of Irish Presbyterian Ministers to George, Lord Melville, petitioning the king for a small allowance for their subsistence (they being in number about ninety), till the country be more planted by return of the people. 1689,..... 198

151. Commission by William and Mary, King and Queen of Great Britain, etc., that they had, by warrant signed at Hampton Court, 13th May last, ordained a diploma to be expede in favour of George, Lord Melville, as principal and sole Secretary of State for Scotland during their

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pleasures and till revoked by writ, which commission Lord Melville had fulfilled to their Majesties' satisfaction; therefore they now ratify the same, and *de novo* grant him the foresaid office, with all fees and freedoms belonging thereto. Kensington, 22d February 1690, ... 199

152. Commission by William and Mary, King and Queen of Great Britain, etc., narrating that as the Three Estates of the kingdom of Scotland were to meet on the day to which they had been prorogued, to wit, the 18th March next, and because of matters of no small moment in their kingdom of England, their Majesties could not be present at the parliament in Scotland, they had determined to commit the office of representing them to a most eminent man, of most illustrious rank, etc.; therefore they having ofttimes had experience of the faithfulness and remarkable endowments of George, Lord Melville, sole Secretary of State for the kingdom of Scotland, of whom their Majesties were persuaded he would further their pious and royal designs, and promote the interest of the ancient kingdom in church and state, they appoint the said George, Lord Melville, to represent their persons and royal Majesty in the second session of the said parliament; also declaring that his office of sole Secretary of State should continue as before. Kensington, 26th February 1690,..... 201

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154. Patent by King William and Queen Mary, who gratefully recalling the great and faithful services done by their most faithful counsellor, George, Lord Melville, High Commissioner for their ancient kingdom of Scotland, and principal and sole Secretary of State for the same, his steadfast adherence to the reformed religion, and specially his many services done to their Majesties both before and since their accession to the throne, resolve to bestow on him an enduring mark of their royal favour; wherefore they constitute and create the said George. Lord Melville, an Earl, Viscount, and free lord of parliament, to be called EARL OF MELVILLE, VISCOUNT OF KIRKCALDY, LORD RAITH, MONYMAIL AND BALWEARIE, and give and grant the foresaid title, dignity, and honour to be held by him and the heirs-male of his body of their Majesties and their successors in all parliaments, etc. Kensington, 8th April 1690, ... 205

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an invasion or rising in Britain, the articles should be null; if his Majesty did not approve of them, they should be null, etc. That if King William or Queen Mary denied any of these articles, Lord Breadalbane was to join the chieftains with 1000 men, over and above the particular sums of money promised to the several chiefs, 217

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175. Certificate by Patrick Campbell and Finlay M'Nivan, servitors to the Earl of Breadalbane, to the effect that Lieutenant-Colonel Campbell of Fonnab required the earl to deliver himself up to be carried a prisoner to Edinburgh, and the earl answered he could not go because of sickness. Taymouth, 20th March 1708..... 240

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W. Rex Scot̄ Oīb; ꝑbꝰ hoīb; tocī tre sue ciuꝰ 7 laicꝰ fr̄ꝰ 7 ꝓsentib; salut̄. Sciatꝰ
me concessisse 7 hac cart̄a mea confirmasse Galfrido de mala ulla 7 Gregorio hedi
suo tr̄ā illā q̄ malbeth tenuit in ulbroñ ꝑ [illegible] usas ꝑ q̄s ide Malbeth eā ce
nuit 7 tr̄ā de lecbernard ꝑ suas rectas diuisas. reuendas sibi 7 hedib; suis de
me 7 hedib; meis ra libe 7 quiete 7 eād — condicione. 7 eod seruitio q̄ car
ta Reg̃. Test̄. fr̄ꝰ mei eis testat̄ 7 confirmat. Test̄. Hubot can̄. u Comite
Waldeuo. ffff. olifard. philippo de ualoñ camar̄o. Ric̄ capellano. Ric̄ cum̄.
fr̄e Witto dolepene. Jordano de ord. dp̄ꝰ [illegible]

CHARTERS

OF

THE MELVILLES OF MELVILLE

AND OF

THE LESLIES OF LEVEN.

1. CHARTER by KING WILLIAM THE LION to GALFRID OF MELVILLE, and GREGORY, his heir, of lands in Liberton and Leadburn. [1165-1170.][1]

WILLELMUS, Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, futuris et presentibus, salutem: Sciatis me concessisse, et hac carta mea confirmasse, Galfrido de Mala uilla et Gregorio, heredi suo, terram illam quam Malbeth tenuit in Libertona, per [istas diu]isas per quas idem Malbeth eam tenuit, et terram de Lecbernard per suas rectas diuisas: Tenendas sibi et heredibus suis de me et heredibus meis, ita libere et quiete et eadem condicione et eodem seruicio quo carta Regis Malcolmi, fratris mei, eis testatur et confirmat: Testibus, Nicholaio, can[cellario], Comite Waldeuo, Dauide Olifard, Philippo de Valoniis, camerario, Ricardo, capellano, Ricardo Cumin, fratre Willelmo Dolepene, Jordano de Ord; apvd Linlidq.

[1] The originals of this and the other charters and writs are, for the most part, in the custody of Lady Elizabeth Jane Leslie Melville Cartwright, at Melville House, in the county of Fife. Where any charter or writ is printed from any other repository, the custody is stated in a note at the foot of the page.

2. CHARTER by KING WILLIAM THE LION to GREGORY OF MELVILLE, of Granton, in exchange for land in Ednam. [1165-1170.]

WILLELMUS, Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciant presentes et futuri me dedisse et concessisse, et hac carta mea confirmasse, Gregorio de Maleuin, Grendun, per rectas diuisas suas, in excambium duarum carrucatarum terre quas Rex Malcolmus, frater meus, ei dederat in Edenham: Tenendum sibi et heredibus suis de me et de heredibus meis, cum quietancia multure dominice domus sue, in feudo et hereditate, plenarie et honorifice, libere et quiete, per seruicium unius arcarii cum equo in exercitu: Testibus, Dauide, fratre meo, Nicholaio, cancellario, Comite Waldeuo, Dauide Olifarde, iusticiario, Philippo de Ualoniis, camerario, Gileberto, filio Richerii, Roberto de Quinci, Willelmo de Haia, Willelmo de Lindesi, Roberto, filio Ursi, Waltero de Berkelai; apud Berewic.

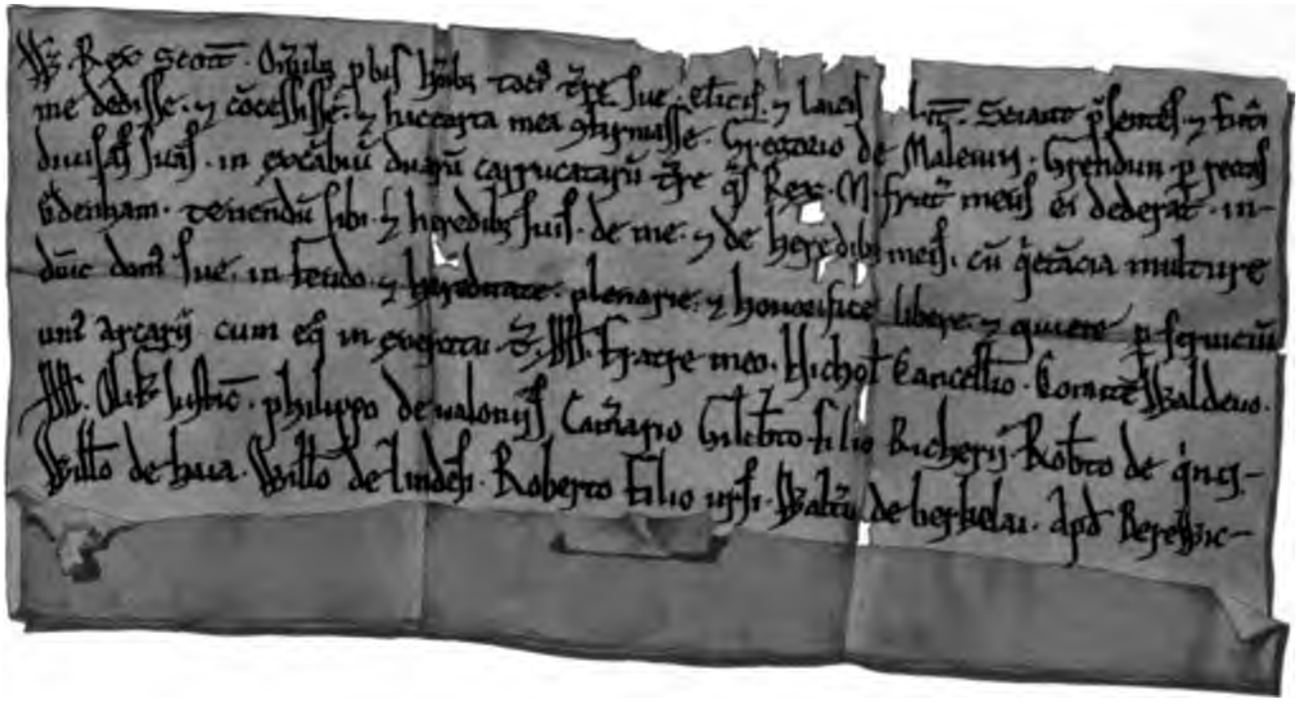
3. CHARTER by KING WILLIAM THE LION to RICHARD, son of Gregory of Melville, of Granton, in exchange for land in Ednam. [1165-1189.]

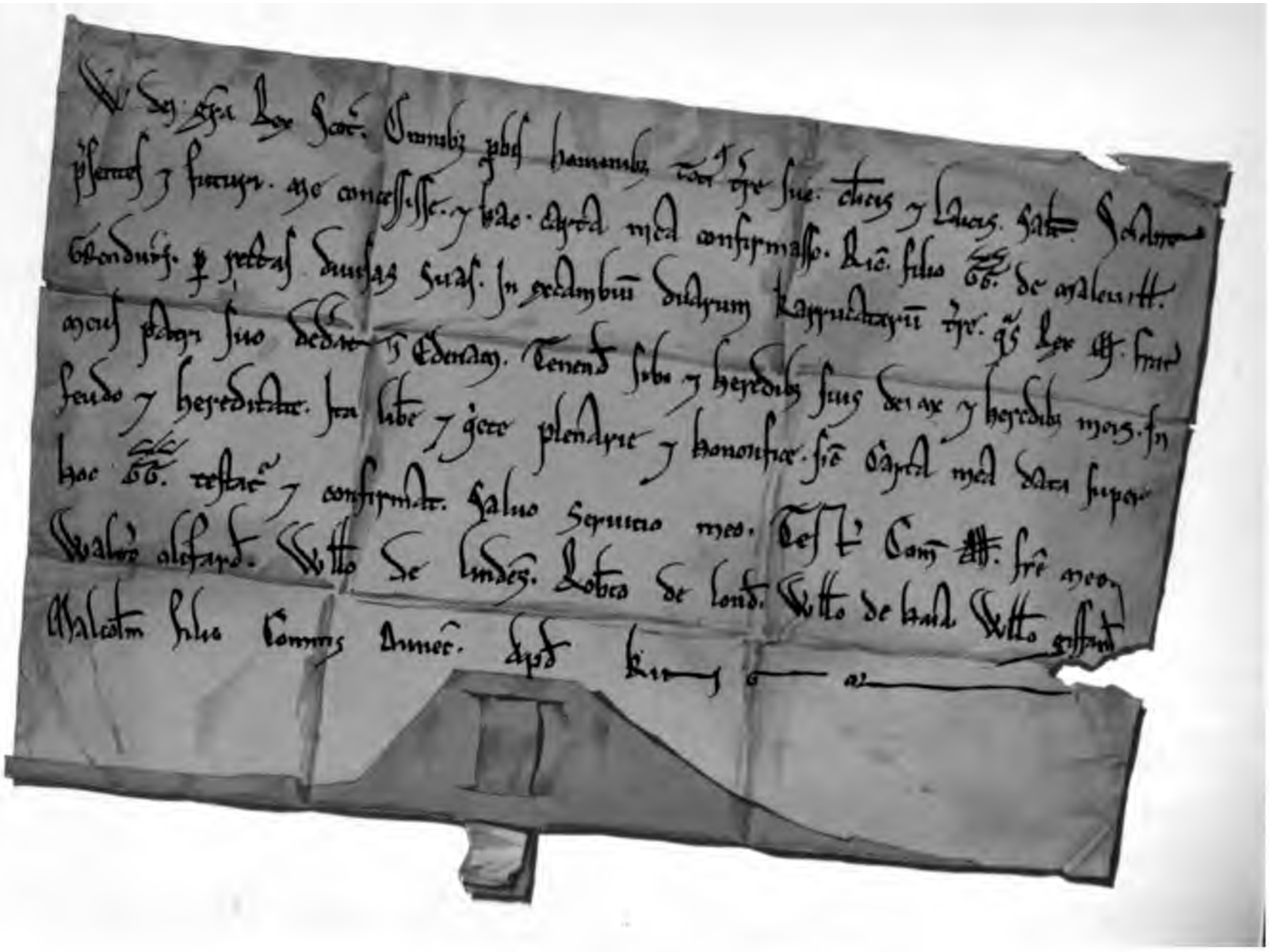
WILLELMUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciant presentes et futuri me concessisse, et hac carta mea confirmasse, Ricardo, filio Gregorii de Maleuilla, Grendun, per rectas diuisas suas, in excambium duarum karrucatarum terre quas Rex Malcolmus, frater meus, patri suo dederat in Edenam: Tenendum sibi et heredibus suis de me et heredibus meis, in feudo et hereditate, ita libere et quiete, plenarie et honorifice, sicut carta mea data super hoc Gregorio testatur et confirmat; saluo seruicio meo: Testibus, Comite Dauide, fratre meo, Waltero Olifarde, Willelmo de Lindezai, Roberto de Londoniis, Willelmo de Haia, Willelmo Giffarde, Malcolmo, filio Comitis Dunecani; apud Kingor.

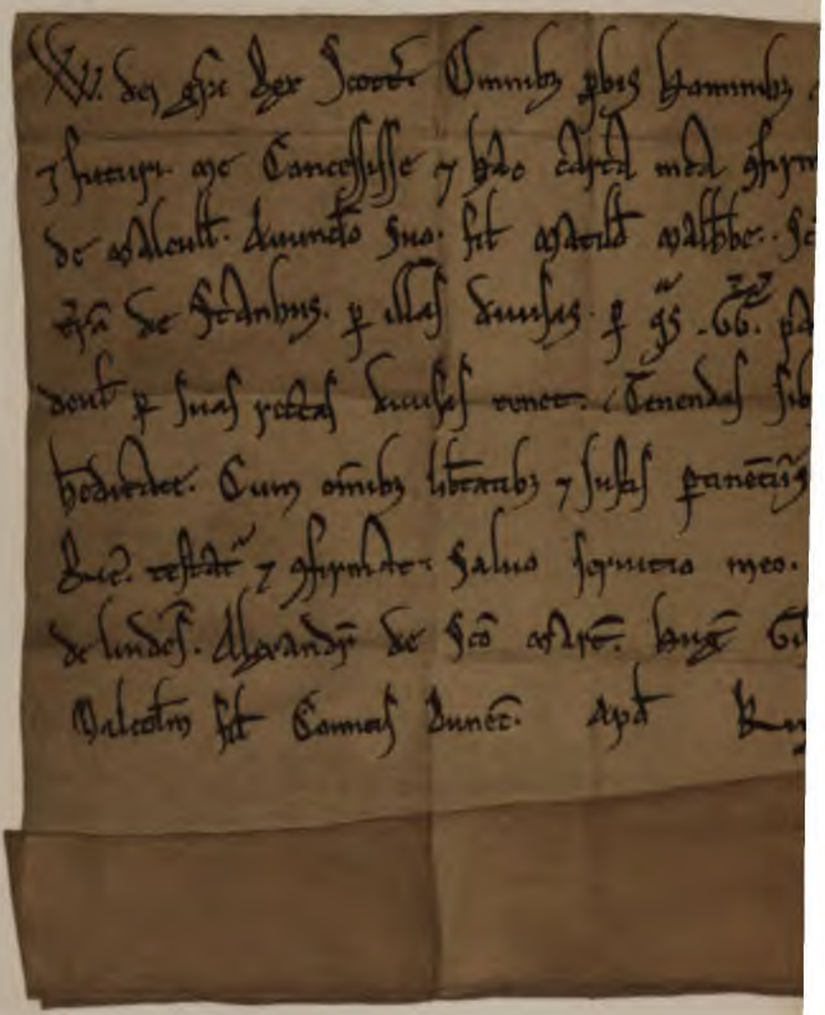
4. CHARTER by RICHARD OF MELVILLE, confirming an agreement between GALFRID OF MELVILLE and MATILDA, his mother, as to the lands of Stenhouse. [1165-1189.][1]

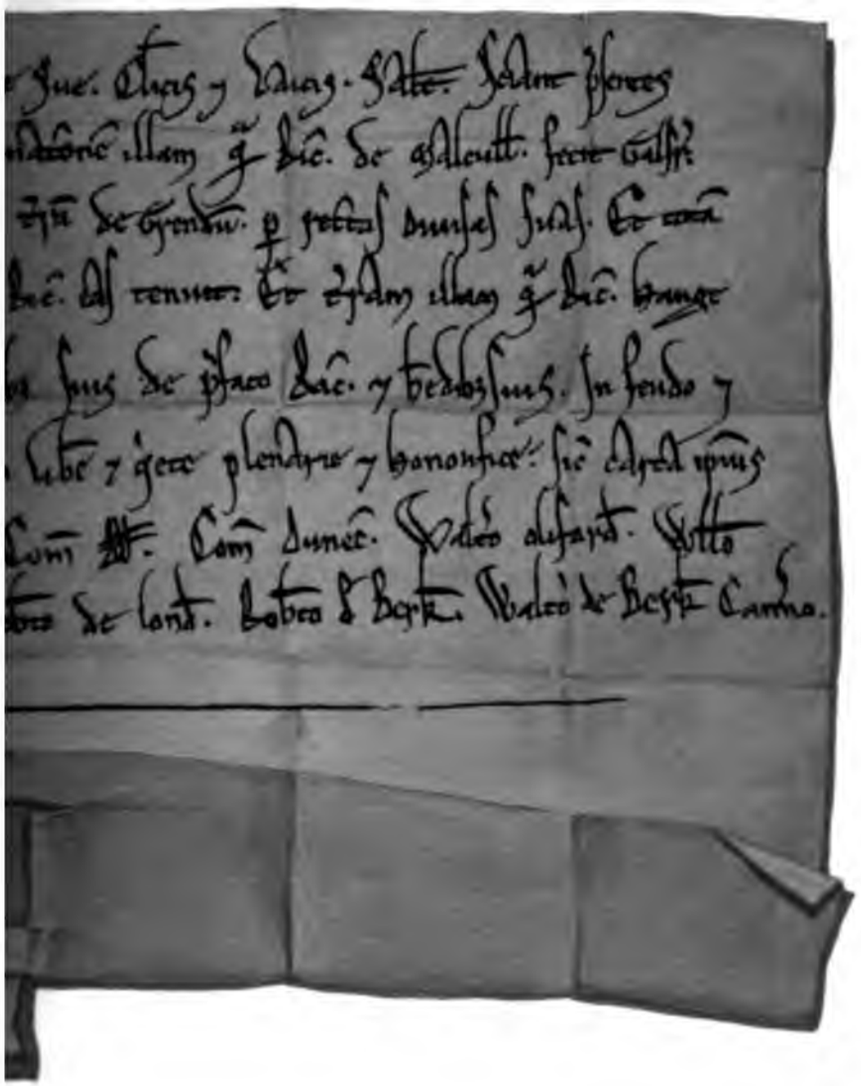
RICARDUS, filius Gregorii de Maleuilla, omnibus hominibus et amicis suis, salutem: Sciant presentes et futuri me concessisse, et hac carta mea confirmasse conuencionem factam inter Galfridum de Maleuilla et Matildam Malherbe, matrem suam, scilicet, quod ipsa Matilda medietatem de Retreuin, que fuit dotarium

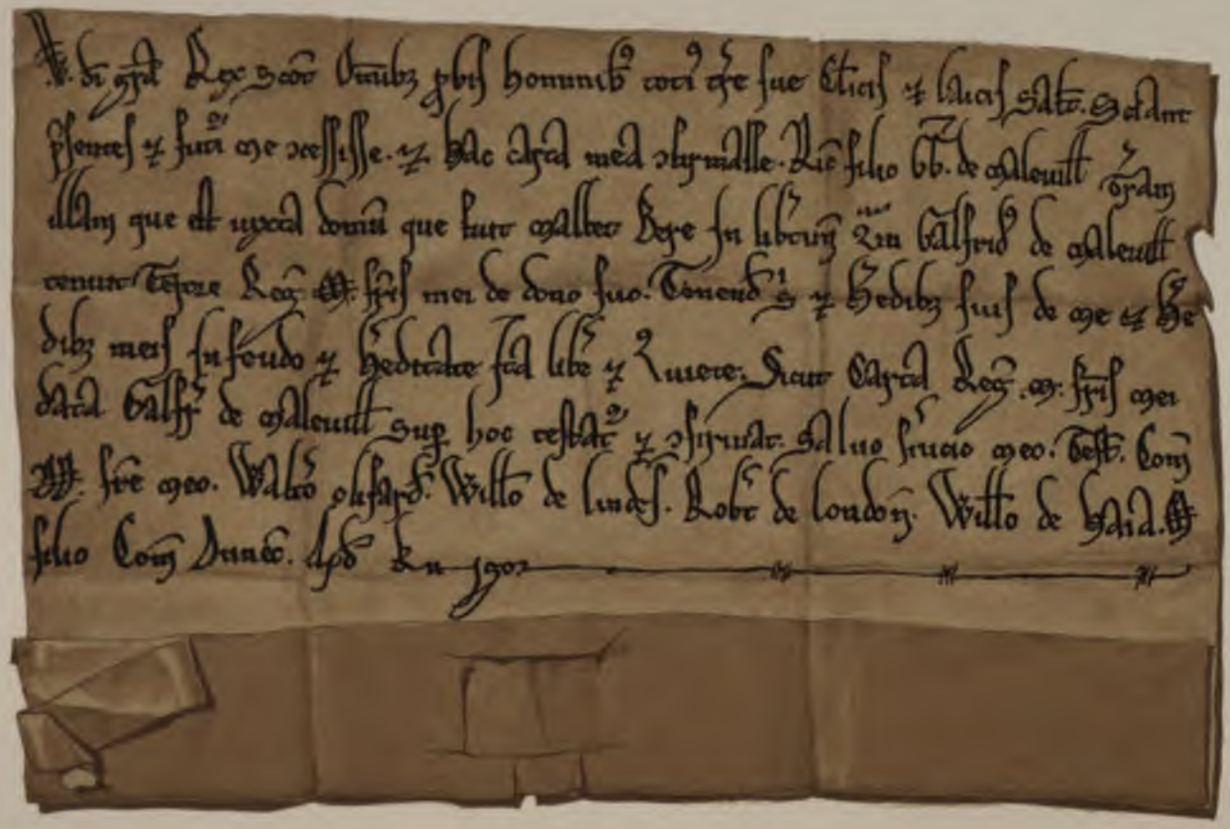
[1] Original Charter in Lord Torphichen's Charter-chest.











suum, quietam clamauit, et terram de Stanhus in excambio dotarii sui recepit: Tenendam sibi per illas diuisas per quas Gregorius, pater meus, terram de Stanhus tenuit, et ita libere et quiete sicut aliqua mulier dotarium suum liberius, quiecius tenet, et sicut cirographum inter eos factum testatur et confirmat: Testibus, Waltero Olifarde, Willelmo de Lindezai, Roberto de Londoniis, Willelmo de Haia, Willelmo Giffarde, Malcolmo, filio comitis Dunecani, Davide, fratre suo.

5. CHARTER by KING WILLIAM THE LION, confirming Charter by RICHARD OF MELVILLE to GALFRID OF MELVILLE, his uncle, of Granton and other lands. [1165-1189.]

WILLELMUS, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciant presentes et futuri me concessisse, et hac carta mea confirmasse, donacionem illam quam Ricardus de Malcuilla fecit Galfrido de Malcuilla, auunculo suo, filio Matilde Malherbe, scilicet totam terram de Grendun, per rectas diuisas suas, et totam terram de Stanhus, per illas diuisas per quas Gregorius, pater prefati Ricardi, eas tenuit; et terram illam quam Ricardus Hangedeul per suas rectas diuisas tenet: Tenendas sibi et heredibus suis de prefato Ricardo et heredibus suis, in feudo et hereditate, cum omnibus libertatibus et iustis pertinenciis suis, ita libere et quiete, plenarie et honorifice, sicut carta ipsius Ricardi testatur et confirmat; saluo seruicio meo: Testibus, Comite Dauide, Comite Dunecano, Waltero Olifarde, Willelmo de Lindesai, Alexandro de Sancto Martino, Hugone Giffarde, Roberto de Londoniis, Roberto de Berkelai, Waltero de Berkelai, camerario, Malcolmo, filio comitis Dunecani; apud Kingor.

6. CHARTER by KING WILLIAM THE LION to RICHARD, son of Gregory of Melville, of land in Liberton. [1180-1190.]

WILLELMUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciant presentes et futuri me concessisse, et hac carta mea confirmasse, Ricardo, filio Gregorii de Malcuilla, terram illam que est iuxta domum, que fuit Malbet Bere in Libertuna, quam Galfridus de Malcuilla tenuit tempore Regis Malcolmi, fratris mei, de dono suo: Tenendam sibi et heredibus suis de me et heredibus meis in feudo et hereditate, ita libere et quiete, sicut carta Regis Malcolmi, fratris mei, data Galfrido de Malcuilla super hoc testatur et confirmat; saluo seruicio meo: Testibus, Comite Dauid, fratre meo, Waltero Olifarde, Willelmo de Lindesai, Roberto de Londoniis, Willelmo de Haia, Malcolmo, filio comitis Dunecani; apud Kingor.

7. CHARTER by KING WILLIAM THE LION to RICHARD OF MELVILLE, son of Gregory, of lands in Liberton and Leadburn. *Circa* 1190.

WILLELMUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue salutem: Sciant presentes et futuri me concessisse, et hac carta mea confirmasse, Ricardo de Maleuin, filio Gregorii, in feudo et hereditate, terram illam quam Malbet tenuit in Libertuna per easdem diuisas per quas idem Malbet eam tenuit, et terram de Lecbernarde per suas rectas diuisas: Tenendas sibi et heredibus suis de me et heredibus meis, ita libere et quiete et eadem condicione et eodem seruicio quo carta Regis Malcolmi, fratris mei, super hoc data Galfrido et Gregorio de Maleuin testatur et confirmat: Testibus, Comite Dauid, fratre meo, Roberto de Londoniis, Waltero Olifarde, Willelmo de Lindesai, Willelmo de Haia, Roberto, capellano meo, Ricardo de Prebenda, et Willelmo Maluesin, clericis meis; apud Kingorn.

8. CHARTER by REGINALD PRAT of Tyndale to RICHARD OF MELVILLE, of Muiravonside, with his daughter, Margaret, in marriage. [1189-1199.]

REGINALDUS PRAT de Tindale, omnibus amicis suis, clericis et laicis, salutem: Sciant tam presentes quam futuri me dedisse et concessisse, et hac carta mea confirmasse, Ricardo de Maluille, cum Margareta, filia mea, Morgunessete, in liberum maritagium, per has diuisas, scilicet, sicut antiqua uia tendit de Sauelmesforde usque ad sedem Sancti Morgani, et de sede usque ad petram quam predictus Ricardus posuit consilio predicti Reginaldi, et de predicta petra sicut Witherlem se tenet usque ad magnam uiam de parte occidentali de Armethe, et sicut uia se habet usque in riuulum manantem de Monecapel, et [de] Monecapel uersus occidentem usque ad capud riuuli manantis usque ad Suth Mossam, et sicut mossa et sicca terra se extendunt usque ad rupem de occidentali parte mosse, et de rupe usque ad paruum nigrum montem, et de monte usque ad occidentalem partem de petera de Morgunessete, et sicut petera et sicca terra se extendunt uersus orientem usque ad riuulum manantem de petera, et sicut riuulus manat usque ad Auin: Tenendam sibi et heredibus suis de me et heredibus meis, in feudo et hereditate, libere et quiete et honorifice, in bosco, in plano, in pratis, in pascuis, in moris, in aquis, in molendinis, et omnibus aisiamentis, tam non nominatis quam nominatis, et cum communi pastura de Manuel; ita libere et quiete quam aliquis miles in tota terra domini Regis Scottorum liberius et quietius aliquod maritagium possidet: Hiis testibus, Simone de Hal, Willelmo de Hawelt[un], Davide de Graham, Randulfo, filio Simonis, Johanne Prat, Reginaldo, fratre eius, Petro, capellano

anime mee et animarum antecessorum meorum atque successorum meorum, Deo et beate Marie et sancto Andree apostolo, ad sustentacionem vnius capellani qui perpetuo deseruiet in capella de Inchemartyn infra curiam meam, tres marcas redditus, scilicet, viginti solidos de duabus bouatis terre quas Ricardus, filius Rogeri, tenuit de me, et decem solidos de una bouata terre quam Willelmus Symple tenuit de me, et decem solidos de una bouata terre quam Alicia, uidua, tenuit de me, die quo illa carta data fuit, scilicet, die omnium sanctorum, anno gracie millesimo ducentesimo quadragesimo primo. Et sciendum est quod isti quadraginta solidi debent solui in capella de Inchemartyn dicto capellano qui ibidem deseruiet per illos qui tenebunt dictam terram, scilicet, viginti solidi die sancti Martini in hyeme et viginti solidi die Pentecostes. Et si ita contingat quod illi qui tenebunt dictam terram defecerint in solucione dictorum denariorum soluendorum die sancti Martini, uel in crastinum, et die Pentecostes uel in crastinum, dicti tenentes dabunt sex denarios de pena quolibet die et summa[m] duo solidorum pro qualibet bouata terre dicto capellano donec dicti denarii plenarie persoluantur. Preterea sciendum est quod dictus capellanus habebit mansionem in qua Johannes, capellanus, solebat manere, cum gardino et curta ex parte aquilonis dicte mansionis et unum toftum ex parte aquilonis juxta curiam grangie mee: Tenendas et habendas dicto capellano qui dicte capelle deseruiet de me et heredibus meis, in puram et perpetuam elemosinam, adeo libere sicuti ulla elemosina datur liberius in regione Scocye. Volo autem quod dictus capellanus instituatur per me uel per heredes meos, et si custodia terre aduenerit post dicessum meum uel heredum meorum dictus capellanus instituetur per custodem terre; et quod dictus capellanus presentabitur domino episcopo Sancti Andree per me uel per heredes meos si ita contingat, uel per custodem terre: Et ut hec mea donacio et carte mee confirmacio rata et stabilis perseueretur, huic presenti carte sigillum meum apposui; hiis testibus, Gileberto, Dei gratia abbate de Cupro, Johanne, eadem gratia abbate de Lundors, Malcomo de la Haye, persona de Erole, Andrea de Striueling, persona de Inchethor, Roberto, vicario de Forgrund, Gileberto de la Haye, Henrico de Abernithin, Johanne de Cambrun, Maygnus de Munnorgrund, Michaele de Stratoun, et aliis.

12. Charter by John of Pincerna to Sir John of Inchmartin of the Lands of Pitmiddil. 21st June 1304.

Sciant presentes et futuri quod ego, Johannes de Pincerna, filius et heres domini Johannis de Pincerna, quondam domini de Elyhoke, vendidi et confirmaui domino Johanni de Inchemartyn et heredibus suis de me et heredibus meis imperpetuum

totam terram cum suis pertinenciis quam habui in tenemento de Petmedil, racione excambii baronie de Elyhoke, pro quinquies viginti libris bonorum et legalium sterlingorum mihi in mea necessitate in pecunia numerata bene et integre per manus predicti domini Johannis persolutis, de quaquidem pecunia teneo me fideliter perpacatum, et dictum dominum Johannem et heredes suos imperpetuum quitos clamo; excepta vna acra terre quam ego, Johannes de Pincerna, dedi Ade, garcioni meo, pro tempore vite sue, et post mortem dicti Ade dicta acra reuertetur predicto domino Johanni de Inchemartyn et heredibus suis: Tenendam et habendam eidem domino Johanni et heredibus suis vel eorum assignatis terram predictam cum suis pertinenciis imperpetuum adeo libere et pacifice sicut predictam terram in aliquo tempore tenui; ita quod nec ego, Johannes de Pincerna, nec heredes mei, nec aliquis causa proprietatis sanguinis mee aut antecessorum meorum siue heredum meorum, aut ex causa alicuius alterius condicionis nomine nostro decetero aliquod ius uel clamium in dicta terra cum suis pertinenciis habere vel vendicare poterimus imperpetuum: Et in cuius rei testimonium, quia sigillum meum non est satis notorium, sigillum officii decanatuum de Perth et de Gouery, vna cum sigillo meo, ad instanciam meam, huic presenti scripto apponi procuraui: Data carta die dominica proxima ante festum natiuitatis beati Johannis Baptiste, anno gratie millesimo tricentesimo quarto, apud Inchemartyn; hiis testibus, domino Richardo del Hay, domino Gilberto, filio suo, domino Johanne Cambrun, domino Roberto de Harcrasse, tunc vicecomite de Perth, militibus, Petro de Bruntona, tunc constabulario de Perth, Michaele Scot, filio, Rogero Mortimer, Valtero de Alithe, Thoma, filio suo, Dauide de Blar, Edmundo de Leys, Andrea de Monorgrund, et multis aliis.

13. CHARTER by HENRY OF MELVILLE, son of Reginald of Melville, to JOHN, called son of Moroc, of Torprek, for ten years, for a merk yearly. 5th April 1311.

OMNIBUS hoc scriptum visuris vel audituris, Henricus de Malcuil, filius et heres Raynaldi de Malcuil, et Margareta, sponsa sua, salutem in Domino: Nouerit vniuersitas vestra me, Henricum, de consensu dicte Margarete, sponse mee, concessisse et ad firmam dimisisse Johanni, dicto filio Moroc, totam terram meam de Torpreke, cum omnibus juribus, asiamentis, libertatibus ad dictam terram pertinentibus seu pertinere valentibus quoquo modo, vsque ad terminum decem annorum plenarie completorum, pro vna marca sterlingorum legalium mihi et heredibus meis et assignatis a se, heredibus suis vel assignatis, annuatim ad duos

terminos persoluenda, videlicet, dimidia marca in festo Pentecostes et dimidia marca in festo sancti Martini in hyeme, termino sui introitus in dictam terram incipiente in festo Pentecostes anni Domini m.ccc. vndecimi, ac termino prime solucionis dicte firme inchoante in festo Pentecostes anni Domini m.ccc. duodecimi, et sic de anno in annum et de termino in terminum vsque ad completum terminum decem annorum: Et si contingat, quod absit, dictum Johannem, heredes suos vel assignatos, per communem guerram impediri quominus dicta terra vel vestura eius libere gaudere poterit, volo quod tanto tempore vltra dictum terminum decem annorum dictam terram pro firma prefata, et ad terminos prenotatos habeat per quantum fuerit legittime impeditus. Volo eciam, et me per presentes obligo, quod si dictam terram aliquo modo vendere, inpignorare seu alienare decreuero, eidem Johanni, saluo sibi termino predicto decem annorum dictam terram offeram venalem vel inpignorandam, et pro minori precio eidem concedam quam alii cuicunque. Item, si contingat, quod non velit Deus, me, heredes meos vel assignatos, contra premissa vel premissorum aliquod venire, directe vel indirecte, clam vel palam, obligo me, heredes meos et assignatos ad refusionem dampnorum et expensarum, que vel quas dictus Johannes, heredes sui vel assignati, occasione istius conuencionis nostre non seruate, incurrerint seu fecerint, estimandorum secundum visum trium fidedignorum, ad hoc eciam fidem prestiti in manu dicti Johannis corporalem. Ego vero, heredes mei et assignati, dictam terram in forma premissa, dicto Johanni, heredibus et assignatis suis, contra omnes homines et feminas sumptibus nostris warantizabimus et defendemus vsque ad sepedictum terminum decem annorum. In cuius rei testimonium sigillum meum presentibus apposui; et quia sigillum meum notum non est, sigilla communitatis de Striuelin et reuerendi patris, abbatis de Cambuskynet, apponi procuraui: Testibus, Willelmo Rufo, Cristino Louhlan, Willelmo de Kincardyn, burgensibus de Striuelyn, Patricio, filio Gillaspoc, Michaele, filio Gilgrist, Willelmo, filio Vati, Adam, filio Malisii, Ferbals de Striuelynsir. Datum apud Striuelyn, die Lune proxime post festum sancti Ambrosii, anno Domini m°ccc° vndecimo.

14. Confirmation by King David the Second of a gift by John of Inchture to Gilbert of Inverlunan, of six oxgangs of land in Balgally. 31st December [1342].

David, Dei gratia Rex [Scottorum], omnibus probis hominibus tocius terre sue, salutem: Sciatis nos concessisse, et hac presenti carta nostra confirmasse, donacionem illam quam Johannes [de Inchethure] fecit Gilberto de [Inue]rlunane de sex bouatis

terre in Balgally et de duobus toftis et de duobus ortis ad dictas sex bouatas terre cum pertinenciis spectantibus: Tenendis et habendis eidem Gilberto et heredibus suis et suis assignatis de predicto Johanne et heredibus suis, in feodo et hereditate, per omnes rectas metas et diuisas suas, adeo libere, quiete, plenarie, integre et honorifice, cum omnimodis libertatibus, commoditatibus, aysiamentis et iustis pertinenciis suis, in omnibus et per omnia, sicut carta predicti Johannis prefato Gilberto exinde confecta plenius iuste proportat et testatur; saluo seruicio nostro: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus, venerabili in Christo patre, domino Willelmo, Dei gratia episcopo Sancti Andree, Roberto, senescallo Scocie, nepote nostro, Duncano, comite de Fyf, Johanne Ranulphi, comite Morauie, domino vallis Anandie et Mannie, Patricio de Dunbarr, comite Marchie, Mauricio de Morauia, Malcolmo Flemyng, et Thoma de Carnoto, cancellario nostro, militibus; apud Dunfermelyne, vltimo die Decembris anno regni nostri quarto decimo.

15. AGREEMENT between WILLIAM, prior of St. Andrews, and JOHN OF MELVILLE, lord of that ilk, conveying a half carrucate of land in Preston to the priory, etc. 4th July 1345.

IN Dei nomine amen: Anno ab incarnacione Domini millesimo tricentesimo quadragesimo quinto, quarto nonas Julii, facta est hec composicio apud Sanctum Andream inter religiosos viros, dominos Willelmum, priorem ecclesie Sancti Andree, et eiusdem loci conuentum, ex parte vna, et Johannem de Maleuyle, dominum de eadem, ex parte altera, videlicet, quod dictus Johannes de Maleuyle de consensu et assensu Thome de Maleuyl, filii et heredis eiusdem Johannis, dedit, concessit et hoc presenti scripto confirmauit priori et canonicis Deo et Beate Marie et Sancto Andree apostolo in ecclesia eiusdem Sancti Andree seruientibus et in perpetuum seruituris, vnam dimidiam carrucatam terre de terra et dominio suo de Prestoun, iacentem inter terram de Rycardystoun ex parte orientali, et terram de Estyrhyldcleffe ex parte occidentali, et inter terram que vocatur le Hylle ex parte australi et terram de Parklyne ex parte boriali, cum omnibus iustis pertinenciis suis, libertatibus, commoditatibus et asyamentis, ad dictam terram spectantibus seu spectare valentibus quoquomodo, in puram, liberam et perpetuam elemosinam: Tenendam et habendam, ita libere, quiete, plenarie, honorifice et pacifice, sicut aliqua terra elemosinata in toto regno Scocie liberius vel quiecius tenetur seu possidetur, ab omni consuetudine, exactione vel demanda seculari seu seruicio forinseco domini nostri Regis vel alterius cuiuscumque; ita tamen quod domini de Prestoun, qui

pro tempore fuerint, de huiusmodi seruicio quantum ad dictam dimidiam carrucatam terre pertinet respondebunt: Dictus vero Johannes et heredes sui, de licencia et gracia speciali dictorum religiosorum, habebunt lapides de lapidicinio infra predictam dimidiam carrucatam terre de Prestoun, ad sua propria edificia construenda in manerio suo de Prestoun, et liberum introitum et exitum ad dictum lapidicinium pro lapidibus ad constructionem dicti manerii apportandis, vbi prefati religiosi viri minus possunt ledi seu dampnificari: Dicti vero religiosi viri, prior et canonici Sancti Andree ecclesie, de vnanimi consensu eorundem et assensu, dederunt et concesserunt in perpetuum, capellano Deo et beate Marie ac beato Leonardo in capella beati Leonardi de Retreuyne seruienti et in futurum seruituro, omnes minutas decimas ad dictam villam de Retreuyne tantummodo pertinentes; saluis dictis religiosis viris decimis garbalibus ipsius ville de Retreuyne et mortuariis pro corpore presenti, domini et domine de Retreuyne, qui pro tempore fuerint debitis et consuetis; et saluis vicario de Lynlythqw, qui pro tempore fuerit, quatuor denariis pro quolibet corpore defuncto de dicta villa de Retreuyne, et diuisis, predicto vicario vel suis capellanis legatis: Dictus vero Johannes et heredes sui ministrabunt capellano, qui in predicta capella deseruiet, omnia necessaria in victu et vestitu et laboris mercede, honeste et sufficienter, de firmis terrarum suarum de Retreuyne et de Prestoun, ita quod dictus capellanus nichil amplius exiget a dictis religiosis priore et canonicis Sancti Andree preter minutas decimas ville de Retreuyne supranominatas et concessas: Capellanus vero qui in predicta ecclesia deseruiet eligetur et ponetur in ea per priorem Sancti Andree qui pro tempore fuerit: Qui si fuerit probabiliter inuentus defectuosus per predictum dominum priorem ammouebitur, et alius loco sui surrogabitur per eundem: Et quilibet capellanus in ea modo supradicto ponendus faciet fidelitatem ecclesie de Lynlythqw quod dicta ecclesia per eum contra presentem concessionem in nullo pacietur detrimentum seu preiudicium: Et si dictus [Johannes] vel heredes sui conuenire poterunt cum capellano qui in dicta capella deseruiet quod sit ad mensam eorundem, licitum sit eis de eisdem minutis decimis disponere pro tempore quo uixerit in [mensa cum] eisdem: Capellanus vero qui in predicta capella deseruiet, in presencia vicarii de Lynlythqw qui pro tempore fuerit, prestabit iuramentum quod ipsum in seruicio dicte capelle, fidelitatem domino de Retreuyne in dando sibi consilio cum ab eo requisitus fuerit, et in celando consilium eiusdem cum ei per ipsum fuerit reuelatum: Et si contingat quod propter [communem] guerram, et vastituatem patrie vel vllum ineuitabilem casum in dicta ecclesia capellanum inueniri non posse, tunc toto tempore quo capellanus caruerit, predicte minute decime de [Retreuyne per dominum] eiusdem et camerarium domini prioris et canonicorum Sancti Andree

qui pro tempore fuerint communiter congregabuntur, vel quemque alium de ipsorum communi consilio deputatum, ad opus et vsum futuri capellani totaliter et integraliter conseruabuntur: Et si contingat, quod absit, dictam dimidiam carrucatam terre a prefatis religiosis euinci propter defectum defensionis et varantizacionis dicti Johannis vel heredum suorum, vel presentem donacionem et composicionem per ipsos vel eorum aliquem vel aliter quouismodo in aliquo reuocari seu infringi, extunc predicte minute decime de Retreuyne, ad prefatos priorem et canonicos Sancti Andree, ipso facto et sine cuiuscumque alterius auctoritate, siue declaracione vel sentencia, libere reuertantur: Et idem per omnia fiat de predicta dimidia carrucata terre conuerso modo ad predictum Johannem et heredes suos si dicte decime per prefatos religiosos detente fuerint seu reuocate: Et ad omnia premissa fideliter et inuiolabiliter obseruanda, predicte partes, tactis sacrosanctis Dei ewangeliis, hincinde se suo sacramento obligarunt: In quorum omnium fidele testimonium, parti huius scripti in modum indenture confecti, penes prefatos priorem et canonicos Sancti Andree remanenti, sigilla predictorum Johannis de Maleuyl et Thome de Maleuyl, heredis ipsius Johannis, vnacum sigillo reuerendi in Christo patris, domini Willelmi, Dei gracia episcopi Sancti Andree, qui omnia et singula premissa auctoritate sua approbauit, ratificauit et confirmauit, sunt appensa; parti vero penes predictum Johannem et heredes suos remanenti, sigillum commune capituli Sancti Andree, vnacum sigillo predicti reuerendi in Christo patris sunt appensa; data et acta sunt hec, die, loco et anno supradictis.

16. Confirmation by King David the Second of a Charter by John of Inchture to Gilbert of Inverlunan, of six oxgangs of land in Balgally. 28th June [1358].

Dauid, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem: Sciatis nos approbasse, ratificasse et hac presenti carta nostra confirmasse donacionem illam quam quondam Johannes de Inchethure fecit Gilberto de Inuerlounane, de sex bouatis terre cum duobus toftis et duobus ortis cum pertinenciis, in tenemento de Balgally, infra vicecomitatum de Perth: Tenendis et habendis eidem Gilberto et heredibus suis, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus libertatibus, commoditatibus, aysiamentis et iustis pertinenciis quibuscunque, ad dictas sex bouatas terre cum duobus toftis et duobus ortis cum pertinenciis spectantibus seu quoquomodo iuste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre et honorifice, in omnibus et per omnia, sicut carta predicti quondam Johannis eidem Gilberto inde confecta in se

plenius iuste continet et proportat; saluo seruicio nostro: In cuius rei testimonium presenti carte nostre confirmacionis sigillum nostrum precepimus apponi; testibus, venerabili in Christo patre, Willelmo, episcopo Sanctiandree, Roberto, senescallo Scocie, comite de Stratherne, nepote nostro, Willelmo, comite de Douglas, Roberto de Erskyn, et Johanne de Prestoun, militibus, apud Edinburgh, vicesimo octauo die Junii, anno regni nostri vicesimo nono.

17. CHARTER by ROBERT, STEWARD OF SCOTLAND, EARL OF STRATHERN, to JOHN GRAY of Eastwood, of the lands of Bourland of Rass. [1362-1368.]

OMNIBUS hoc scriptum visuris vel audituris, Robertus, Senescallus Scocie, comes de Stratherne, salutem in Domino sempiternam: Noueritis nos dedisse, concessisse et hoc presenti scripto confirmasse, dilecto et fideli nostro Johanni Gray de Estwode totam terram nostram de Bourland del Rass cum pertinenciis, videlicet, in bracinis et pistrinis ac carnificiis et barcariis, vna cum sexta parte communis pasture del Rass[et c]um monte Potte Parci; ac eciam occidentalem partem dimedietatis herbagii parci del [Ra]ss, vna cum omni iure nos vel heredes nostros contingente vel contingere valente in futurum in terris de Arthourley cum le Alryss et crofto molendini, et vna cum dupplicacione firme predicte terre de Arthourley tam de temporibus preteritis quam futuris quociens debuit vel debeat duplicare: Tenendas et habendas omnes predictas terras cum jure et dupplicacione firme prefate terre de Arthourley, predicto Johanni et heredibus suis et assignatis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus pertinenciis supradictis, in boscis et planis, viis et semitis, moris, marresiis et petariis, pratis, pascuis et pasturis, aquis et stagnis, et viuariis, molendinis, multuris et eorum sequelis, curiis et eschaetis, aucupacionibus, venacionibus et piscacionibus, ac cum omnimodis aliis libertatibus, commoditatibus et aysiamentis, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad predictas terras cum pertinenciis spectantibus, seu quoquo modo iuste spectare valentibus in futurum, libere, quiete, plenarie et in pace, sine quocunque retinemento: Reddendo inde predictus Johannes et heredes sui vel assignati nobis et heredibus nostris vnum denarium argenti apud manerium nostrum de Reinfrv, ad capitale placitum nostrum ibidem tenendum proximo post festum Pasce annuatim, nomine albe firme tantum, si petatur, pro omni alio seruicio, exaccione, consuetudine seu demanda, que per nos vel heredes nostros de predictis terris cum pertinenciis supradictis, et de predicta f[irm]a exigi poterunt vel requiri: Et nos predictus Robertus Senescallus, et heredes nostri omnes predictas terras cum pertinenciis supradictis et cum predicta firma

predicto Johanni, heredibus suis et assignatis, varantizabimus, acquietabimus et contra omnes homines et feminas inperpetuum defendemus: In cuius rei testimonium presenti scripto sigillum nostrum apponi fecimus: Testibus, venerabilibus in Christo patribus, dominis Willelmo, Willelmo et Waltero ecclesiarum Sancti Andree, Gl[asguen]sis et Dunblanensis [Dei] gracia episcopis, reuerendis et religiosis viris, dominis Johanne et Gilberto, eadem gracia monasteriorum de Dunfermelyne [et] de Cambuskynnet abbatibus, nobilibus [viri]s dominis Roberto de Erskyne, Johanne de Danyelstoun, Hugone de Eglynetoun, Johanne de Lyndissay de Cragy, et Johanne de Yle, militibus, Ala[no Sene]scalli, Thoma Symple, Johanne de Ros et multis aliis.

18. CHARTER by KING ROBERT THE SECOND to ALAN OF ERSKINE, knight, of the lands of Inchmartin. 24th October [1379].

ROBERTUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse, dilecto et fideli nostro Alano de Erskyne, militi, omnes et singulas terras infra territorium de Inchemartyne, in baronia de Langforgrund, infra vicecomitatum de Perth, que fuerunt dilecti filij nostri, Johannis Lyoun, camerarii nostri Scocie, et quas idem Johannes, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, nobis per suas literas patentes nobis inde directas sursum reddidit pureque et simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis, habuit vel habere potuit pro se et heredibus suis omnino quietum clamauit in perpetuum: Tenendas et habendas dicto Alano et heredibus suis de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis ac iustis pertinenciis quibuscunque ad dictas terras spectantibus seu quoquo modo iuste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre et honorifice, in omnibus et per omnia, sicut dictus Alanus alias terras suas de Inchemartyn liberius, quiecius, plenius, integrius et honorificencius iuste tenuit seu possedit: Faciendo inde consimilia seruicia que de dictis terris suis de Inchemartyn nobis facere tenetur: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum; testibus, venerabilibus in Christo patribus, Willelmo et Johanne, cancellario nostro, Sancti Andree et Dunkeldensis ecclesiarum episcopis, Johanne, primogenito nostro, de Carric, Senescallo Scotie, Roberto de Fyffe et de Menteth, filio nostro dilecto, Willelmo de Douglas et de Marre, consanguineo nostro, comitibus; Jacobo de Lyndesay, nepote nostro carissimo, et Alexandro de Lyndesay, consanguineo nostro, militibus; apud Kylwenyn, vicesimo quarto die mensis Octobris anno regni nostri nono.

19. LEASE by JOHN OF MELVILLE, LORD OF MELVILLE, to WILLIAM OF DOUGLAS, son of James of Douglas of Strabrock, of the lands of Hawthornden and others. 1st April 1386.

OMNIBUS hoc scriptum visuris uel audituris, Johannes de Malavilla, dominus euisdem, salutem in Domino: Noueritis me assedasse et ad firmam dimisisse domino Willelmo de Douglas, filio et heredi domini Jacobi de Douglas de Strabroke, omnes et singulas terras meas de Hawthordene, in baronia de Govrtoune, infra vicecomitatum de Edynburgh, terras de Grevistoune infra vicecomitatum de Peblis, terras meas de le Tempil in Legbernarde, et terras de Butland, infra vicecomitatum de Edynburgh, ad terminum decem annorum plenarie consequentium, et pacifice complendorum a data presencium, pro quadam summa pecunie michi pre manibus per dictum dominum Willelmum gratanter persoluta et in vsum meum conuersa; transactis vero dictis decem annis, noueritis me extunc assedasse et ad firmam dimisisse omnes et singulas terras prenominatas cum pertinenciis predicto domino Willelmo ad terminum sex annorum ab inde plenarie et pacifice complendorum pro duabus marcis sterlingorum, michi, heredibus aut assignatis meis, annuatim soluendis apud Hawthordene proporcionaliter ad festa Pentecostes et sancti Martini in yeme, termino vero introitus predicti domini Willelmi incipiente in festo Pentecostes proximo futuro a data presencium: Tenendas et habendas omnes terras predictas cum pertinenciis durantibus terminis predictis dictis domino Willelmo, heredibus et assignatis suis, a me et heredibus meis et meis assignatis, libere, quiete, integre, bene et in pace, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, ad easdem cum pertinenciis spectantibus seu quoquo modo spectare valentibus in futurum: Et ego vero predictus Johannes, mei [heredes] et mei assignati, predictas terras cum pertinenciis durante termino predicto, predictis domino Willelmo, heredibus et assignatis suis, contra omnes gentes mortales warantisabimus, acquietabimus et defendemus: In cuius rei testimonium sigillum meum presentibus est appensum: Data apud Lynlythev, primo die mensis Aprilis anno Domini millesimo ccc^{mo} octogesimo sexto.

20. LEASE by JOHN OF MELVILLE, lord of that ilk, to SIR WILLIAM OF DOUGLAS of Strabrock, knight, of the lands of Hawthornden, and others. 10th July 1399.

BE it made kende til al that thir letteris heris and seis that I, John of Malvile, lorde of that ilke, has set and to ferme has latyn, and throw thir presentis letteris settis and to ferme lattis, al my landis the qwhilkis I hafe and ar myne in Haw-

thorndene, lyande within the schirrafdome of Edynburgh, and al my landis that I hafe and ar myne in the Grevistoune, lyande within the schirrafdome of Peblis, with the apportenance, to my cosyne Schir Williame of Douglas of Strabroke, knycht, for the terme of ten zere next eftir folowande the oyse of his take made of tha landys as his euidente proportis and contenys of befor betwix hym and me, the qwilkis ar selit wyth myne awyn propir seale, fullily and pessably to be passit and fulfillit, the terme of his entre begynnande at the next Qwhyssonday folowande of his saide take that he has of me befor this present take for twenty punde of vsuale mone of Scotlande, the qwilkis twenty punde I graunt me hafe ressavit and of it fullily paide and assithit, and in to myne oyse conuertit, of the qwhilkis soume alsua the forsaide Schir Williame, his ayris and his assignes, for me and myne ayris and myne executouris and assignes, I euer mare qwyteleme; the forsaide landis to halde and to hafe with al profitis of courtis and oyscheis of courtis, commodites, and esementis, als wele vnnemmyt as nemmyt, lelily, trewly, and pesably, and frely but ony entermettyng of me or of myne ayris or ony of thair name, outhir in the lauch or by the lauche, durande thir forsaide termys of ten zere, to the forsaide Schir Williame and to his ayris and assignes of me and myne ayris and myne assignes, but ony gaine callyng or in the contrare of this take, the qwilkis take alsua to the oysche of his terme of ten zere as is forspokyne til the forsaide Schir Williame, his ayris and his assignes, I and myne ayris warandis and sal warande: And I graunt gif the forsaide landis in somme or alle hapnys or beis in the mene tyme of his take throuche commone were distroyit that the forsaide Schir Williame, his ayris or his assignes sal als lange joyse thaim eftir the oysche of his terme as he or thai ar skathit within the forsaide ten zere: And til al thir thingis forwretyne to be kepit and haldyn to the forsaide Schir Williame, his ayris or his assignes, in al poyntis as is fornemmyt, durande the take forsaid I oblyce me and myne ayris, executouris, and assignes, but fraude and gile, lely and trewly in gude fayth. In witnes of the qwhilkis thing I hafe put to my seale at Dalketh the ten day of Julii, the zere of our Lorde a thowsande thre hundreth nynty and nyne; thir witnes, Nicole of Douglas, lorde of Wakmanfeld, Williame of Ross, chapellane, Adam of Corry, notare, and Johne of Lukvpe, with othir syndry.

21. CONFIRMATION by KING ROBERT THE THIRD of a Grant by JOHN LYON to RICHARD, son of John of Rate, of six oxgangs of land in Balgally. 31st January 1399-1400.

ROBERTUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos approbasse, ratificasse et hac presenti carta

nostra confirmasse donacionem et concessionem illas, quas dilectus nepos noster, Johannes Lyovne, fecit et concessit Ricardo, filio Johannis de Rate, de sex bouatis terre cum duobus toftis et duobus ortis cum pertinenciis, iacentibus in tenemento de Balgally, infra vicecomitatum de Perth: Tenendis et habendis eidem Ricardo et heredibus suis in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus libertatibus, commoditatibus et aisiamentis ac iustis pertinenciis suis quibuscunque, ad dictas sex bouatas terre cum duobus toftis et duobus ortis cum pertinenciis spectantibus seu quoquo modo iuste spectare valentibus infuturum, adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut in carta dicti Johannis sibi inde confecta plenius continetur, saluo seruicio nostro: In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum; testibus, venerabilibus in Cristo patribus, Waltero, episcopo Sanctiandree, Gilberto, episcopo Abirdonensi, cancellario nostro, carissimo primogenito nostro, Dauide, duce Rothesaye, comite de Carric et Atholie, Roberto duce Albanie, comite de Fyf et de Menteth, fratre nostro germano, Archebaldo, comite de Douglas, domino Galwidie, Jacobo de Douglas, domino de Dalketh, et Thoma de Erskyne, consanguineis nostris dilectis, militibus; apud Perth, vltimo die mensis Januarii, anno gratie millesimo trecentesimo nonagesimo nono, et regni nostri decimo.

22. LEASE by JOHN OF MELVILLE, lord of that ilk, to SIR WILLIAM DOUGLAS of Strabrock, of the lands of Hallmyre. 12th March 1399-1400. Old copy.

BE it kend till all men, me, Jhone of Maluill, lord of that ilk, hes sett and to ferme hes lattin to my louit cusing, Schir William Dowglas of Straebrock, knycht, all my part of the lands of the hall of the Myre, with the appertenents, lyand within the scherefdome of Peblis, for twa marks and a half of vsuall money of Scotland for to be payed to me and myne aires or myne assignais at Halthorndeane at twa termes in the yeare customable, that is to say, Whytsonday and Mertimes, the terme of the entrie of the foirsaid Schir William beginnand at the Whytsonday next efter following the dait of the making of thir presents lettres: The said Schir William, his aires and his assignais, joysand the lands foirsaid, with all maner of profeits and easments perteining to the foirsaid lands, whill he or they pay to me and myne aires and myn assignais, on a day betwixt the sune rysing and the ganging too of that ilk, but fraud or guyle or any exception, twentie pounds of vsuall money of Scotland, and accomptis the said soum of twentie pounds payed fully to me as is befoir spoken; the foirsaid Schir William, his aires and his assignais shall joyse ane half of the lands, with the appertnentis,

heritably, till him, and till his aires and his assignais, fra me, and frae myne aires and fra myne assignais for evermaire; of the quhilk lands, I sall mak the said Schir William, his aires and his assignais, this payment of twentie pounds assitht to me as is foirsaid as sicker as I may mak him or them be reasoun. In witnes of the quhilk thing to this my present writ I haue put to my seall, at Dalkeith the twelft day of the moneth of March the yeare of our Lord a thowsand three hundreth nyntie and nyne.

23. Charter by William Scot of Balwearie, to John of Melville, lord of Raith, of the lands of Pitscottie. *Circa* 1400.

Omnibus hanc cartam visuris vel audituris, Willelmus Scot, dominus de Balwery, salutem in Domino: Sciant presentes et futuri me dedisse, concessisse et hac presenti carta mea confirmasse dilecto meo et fideli Johanni de Malauilla, domino de Rath, et heredibus suis, totam terram de Petscoty, vna cum tercia parte terre de Calange cum pertinenciis; quasquidem terras cum pertinenciis predecessores dicti Johannis de meis predecessoribus tenuerunt in feodo et hereditate: Tenendas et habendas totas predictas terras cum pertinenciis predicto Johanni et heredibus suis, de me et heredibus meis, in feodo et hereditate in perpetuum, per omnes suas rectas metas et diuisas, videlicet, in moris, maresiis, boscis et planis, aquis, stagnis, pratis, pascuis et pasturis, petariis, glebariis, venacionibus, aucupacionibus et piscacionibus, brassinis, molendinis et multuris, et cum omnibus aliis iustis pertinenciis, libertatibus, commoditatibus et aysiamentis, tam sub terra quam supra terram, tam procul quam prope, tam in longitudine quam in latitudine, tam non nominatis quam nominatis, ad predictas terras spectantibus et quoquo modo spectare ualentibus in futurum; saluis mihi et heredibus meis warda, releuio et homagio, cum secta curie ad curiam meam de Petlovr tantum, pro omnibus aliis secularibus serviciis, exactionibus et demandis, que de predictis terris cum pertinenciis exigi poterunt aut requiri: Ego vero Willelmus predictus et heredes mei totam et integram terram de Petscoty, vna et terciam partem terre de Calange cum pertinenciis antedicto Johanni et heredibus suis, pro nobis et heredibus nostris, warantizabimus, acquietabimus et in perpetuum defendemus: In cuius rei testimonium sigillum meum presenti carte mee est appensum; hiis testibus, nobilibus viris, dominis Johanne Senescalli, domino de Innermeth, Roberto Senescalli, Thoma Sebald, Johanne de Wemys et Willelmo de Londy, militibus, Johanne de Glen, Johanne de Boswyll et Duncano de Ramsay, armigeris, cum multis aliis.

24. CHARTER by ROBERT, DUKE OF ALBANY, confirming to JOHN MELVILLE of Raith, a grant to him by WILLIAM SCOTT of Balweary, of the lands of Pitscottie. 3d August 1411.[1]

ROBERTUS, Dux Albanie, Comes de Fyfe et de Menteth, ac gubernator regni Scocie, omnibus hanc cartam visuris uel audituris, salutem in Domino sempiternam: Sciatis nos pro nobis et heredibus nostris, comitibus de Fyfe, approbasse, ratificasse et hac presenti carta nostra confirmasse illas donacionem et concessionem, quas dilectus noster Willelmus Scot de Balwery fecit et concessit dilecto nostro Johanni de Malauilla de Raith, et heredibus suis, de tota terra sua de Petscoty cum pertinenciis, in comitatu nostro de Fyfe, infra vicecomitatum eiusdem, quam de nobis tenet in capite: Tenendam et habendam totam predictam terram cum pertinenciis predicto Johanni et heredibus suis, de dicto Willelmo et heredibus suis, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut carta dicti Willelmi prefato Johanni exinde confecta in se iuste continet et proportat, saluo seruicio nostro de dictis terris debito et consueto: In cuius rei testimonium presenti carte confirmacionis nostre nostrum sigillum apponi precepimus, apud Falklande, tercio die mensis Augusti anno Domini millesimo quadringentesimo vndecimo et gubernacionis nostre anno sexto; hiis testibus, carissimo nepote nostro, Roberto Senescalli de Fyfe, carissimo filio nostro Johanne Senescalli, domino Buchanie, Ricardo Cummyne milite, domino Andrea de Hawik, secretario nostro, rectore de Lystoun, Dauid Berclay, Johanne Wricht, et Willelmo Berclay, scutiferis nostris, et aliis.[2]

25. CHARTER by WILLIAM SCOTT, lord of Balwearie, to JOHN MELVILLE, son of John Melville, lord of Raith, of the lands of Durachmure. 31st May 1412.

BE it knawyn til al men be this present charter endentit, me Williame Scot, lord of Balwery, til haue gifyn and grantit al my landis of Durachmure, with the portenance within the schirraydome of Fyf, saufand the annuale aucht to the kirk of Andirstoun, the qwilk annuale is a chaldir of mele or twenty schillingis be zhere to Jone the Malvyle, the sone and the ayre of Jone the Malvyle, lord of the

[1] Original in H. M. General Register House.
[2] Only the tag of the seal now remains.

Rath, and to my douchtir Mariory in to maryage, and to the barnys gottyn or lachfully for to get betuene thame, and to the langest lifand of thame; and the saide Johne the Malvyle sale hald this saide land in warde and relef of me, the saide Williame and myne airis; and gif it faillies, as God forbede, of thame or thair ayris, the saide land with the portenance sale remayne with the forsaide Johne the Malvyne and his ayris, qwil I or myne ayris pay fullely to the saide Jone the Malvyle, or his ayris, twenty pund of usuale monay of Scotland apon a day; and I forsuth, the saide Williame Scot, lord of Balwery, and myne ayris, oblys ws to warand and defend the saide land with the portenance, as the lach wil, with al commoditeis, esmentis, and fredomis to the saide Jone the Malvyle and Mariory, and to thair ayris, and to the langest lifand of thame for euermare: In witnes of the qwilk thyng, to this present charter endentit my sele is put, with the sele of the saide Jone the Malvyle, lord of the Rath, at Balwery, the last day of the moneth of Maii, the yhere of oure Lord a thwsand cccc" and twelf.

26. TESTIFICATE by NICHOL KYNMAN of Megginch to a resignation by ALAN KINNAIRD of that ilk. 23d August 1418.

SYN it is spedful and meritabil to ber witnes to suthfastnes, fra thine it is at I, Nichol Kynman of Megynche, wes present quhyn Alane Kynnard of the samyn, in the Tempil Court of Dunde, haldyn in Petyr Telouris land, the xxiij day of the moneth of August, the yher of grace m cccc and xviij yher, resignit a tempil land, the quylk is callit the Grene Yarlis, with twa acire of feld land tharto liand, in the handis of Jhon of Tiri, balye of the Tempelis, and the said Jhon of Tiri gafe the said tempil with the said land to Jhon Dauidson, hym, his haris, and his assigneis, for euyr mar: In the witnes of the quylk thyng, I, the said Nichol has set my sell.

27. CHARTER by MARGARET ERSKINE or GLEN, lady of Inchmartin, to her grandson, WALTER OF OGILVY, of two acres in Pitmiddil. 1st December 1425.

OMNIBUS hanc cartam visuris vel audituris, Mergareta de Glen, domina de Inchemartyne, salutem in Domino sempiternam: Sciatis me in mea libera et pura viduitate, non vi aut metu ductam, fraude vel dolo deceptam nec errore lapsam, set mea pura et spontanea voluntate et ex auisato consilio, dedisse, concessisse, dimisisse et hac presenti carta mea confirmasse, et pro me et heredibus meis inperpetuum ratificasse, dilecto et speciali nepoti meo, Waltero de Ogilbi, filio domini Walteri de Ogilbi de Luntrethyne et uxoris sue, Isabelle, filie mee, illas

duas acras terre cum pertinenciis que quondam fuerunt Willelmi Thomassounys, iacentes in villa de Petmedill, infra vicecomitatum de Perth, cum sexaginta ouibus in comune pastura predicte ville et septem vaccis cum sue fetante, et auca matrice et equa fetante, quousque sequele earundem perueniant ad etatem vnius anni: Quas quidem duas acras cum pertinenciis dominus Ricardus de Petmedil, filius et heres dicti Willelmi Thomasson, michi vendebat, tradebat et resignabat pro centum solidis usualis monete sibi solutis in peccunia numerata: Tenendas et habendas predictas duas acras cum toffto earundem predicto Waltero et heredibus suis de corpore suo legittime procreandis, de me et heredibus meis senioribus, viz. de Andrea de Ogilbi et Marioria, uxore sua, venientibus, in puram et liberam albam firmam, in feodo et hereditate inperpetuum, per omnes rectas metas suas antiquas et diuisas, in moris, marrasiis, viis, semitis, bossis, planis, pascuis et pasturis, cum libero introitu et exitu ad comunem pasturam, in petariis et turbariis, necnon et cum omnibus aliis et singulis libertatibus, comoditatibus et aysiamentis ac iustis suis pertinentibus quibuscunque ad dictas duas acras nunc spectantibus seu aliquo modo de iure aut consuetudine spectare valentibus in futurum, libere, quiete, integre, bene et in pace; et si contingat dictum Walterum decedere sine heredibus de corpore suo legittime procreatis, volo quod predicte due acre cum pertinenciis michi vel heredibus meis sine obstaculo reuertentur: Reddendo inde dictus Walterus et heredes sui capelle mee de Inchemartyne annuatim quatuor denarios argenti ad festum Annunciationis beate Marie Virginis in nomine libere et albe firme tantum, pro omnibus aliis seruiciis secularibus, exactionibus seu demandis, que de dictis duabus acris exigi poterunt quouismodo vel requiri: Et ego uero predicta Mergareta et heredes mei predictas duas acras cum pertinenciis predicto Waltero et heredibus suis predictis contra omnes homines et feminas warantizabimus, acquietabimus et inperpetuum defendemus: In cuius rei testimonium sigillum meum presentibus est appensum, apud Inchemartyne, primo die mensis Decembris anno Domini millesimo quadringentesimo vicesimo quinto. [Seal attached, bearing a lion rampant.]

28. INDENTURE between MARGARET OF ERSKINE of Inchmartin and DAVID OF THE WEMYSS regarding the lands of Inchmartin and others. 18th July 1427.

THIS Endentour, maide at Inchemartyne the xviij day of the moneth of Jull, the yher of our lorde m cccc xxvij yher, beris wytnes that it is acordit betwex nobil folke and worthy, that is to say, Mergret of Erskyne of Inchemartyne, on the ta part, and Dauy of the Wemys, sone and ayre of Dame Isabel of the Wemys, owmqwil lady of the halfe of Inchemartyne, on the tother part, in maner and forme as

efter folowis, that is to say, that the said Dauy sal tak possessyone of the halfe of Inchemartyne and Petmedill, wyth the pertenance, the qwylk pertenys til hym be lyne of herytage, in al gudly hast; that beande done, and the saide Dauy bydande in lawfull possessyone lawful tyme, it is acordit in this maner that efter folowys that is to say, that bath thir partis or thar procuraturis sal pas to the kynge and do thar ful power to get his consent apon thir materis; his consent gottyn, the forsaide partyis sal pas in lyke maner to the erle of Fyffe to get his consent apon thir materis; his consent optenyt, the forsaid Mergret sal upgyff and resyng, purly and sympilly, be staff and bastoun, hir chemys of the Wemys, wyth the thride part of the haile lordschipe of the Wemys, wyth the pertenance, in the handis of the forsaide erle, hir ourlarde, alswyll the tenandryis as the properteis, alswil noch nemmyt as nemmyt, pertenande or may pertene to the saide lordschipe, and mak hym als sekir thar of as is in hir gudly power, that is to say, the saide Dauy and his ayeris; and the saide Dauy sal resyng and upgyffe the hale halffe of the lordschype of Inchmartyne and Petmedil, wyth the pertenance, alswille in tenandryis as in properteis, alswille nocht nemmyt as nemmyt, the quhilk pertenys tile hym be lyne of heritage, or pertenyt or may perteyn, and mak hir and hir ayeris als sekyr thar of as is in his gudly power. Alsswa it is acordit betwex the partyis forsaide that gyffe it hapnys the said Mergret to disseis, as Gode forbeide, ony of thir conandis or condicyonys ownfulfillit, ane or al the quhilkis scho is bundyne to wnder gud fath to fulfile in hir pur wyduyte, scho oblisis hir ayeris, coniunely or seueraly, to fulfile and to ende al conandis and condycyonys maide be hir in this euydent, the quhilkis ar nocht fulfillyt in hir tyme. Alsswa it is acordit betwex the partyis forsaid that gyffe it hapnys the said Dauy to disseis, as Gode forbeide, ony of thir conandis or condycyonis wnfulfillyt, ane or al the quhilkis he is bundyne to wnder gude fath to fulfile, he oblysis his ayeris, coniunely or seueraly, to fulfile and to ende al conandis and condycyonys maid be hym in this euydent, the quhilkis ar noch fulfillyt in his tyme. Ande gyffe it hapnys the saide Mergret or ony of hir ayeris to wythstande or gancale ony of thir connandis or condycyonys contenyt in this endentur, scho oblysis hir and hir ayeris, ane or ma, the quhilkis ar in the contrarye to the fulfillyng of thir condycyonis in thre hundreth punde of strelyngis or in the wala, to be payit to the werke of our lady kyrke of the Wemys wyth in thre moneth efter that the ganstandynge be notorly knawyne, and to be disponyt be the conseile of the cheiffe lorde of the Wemys-schire. Ande gyffe it hapnys the said Dauy or ony of his ayeris to wythstande or gancale ony of thir connandis or condycyonys contenyt in this endentur, he oblysis hym and his ayeris, ane or mae, the quhilkis ar in the contrarie to the fulfillyng of thir condycyonys in thre hundreth punde of strelyngis or in the walu, to be payit to the

werke of Sancpeteris kyrke of Inchemartyne, and to be disponyt be the consale of the chyffe lorde of Inchmartyn or lady, and to be rasit wythin the terme beforsaide efter that the ganstandynge be notorly knawyne. And al thir connandis and condycyonys beforsaide betwex bath the partyis to be kepyt, but fraude or gyle or ony excepcyoun of law, bath the partyis for thaim and al thar ayeris ar oblysit wnder gude fath; and for the mar sekyrnes athir of the partyis has enterchangiabely thar seillis to hungyne, yher, day, and place beforsaide befor thir wytnes, Andro of Ogilwile of the Glen, Alexander of the Wemys, Johne of Strelyng, squyaris, Scheir Johne Elyoth, Scheir Thomas of Cors, Scheir Dauy Manias, chapelanys, wyth syndry wthir. [Seal remaining.]

29. TESTIFICATE OF SASINE in favour of JOHN MELVILLE, son and heir of Thomas Melville, lord of that ilk, of a part of the lands of Grefestoun. 14th February 1429.

TIL al and sindri quhais knawlege thir present letteris sal to cum, Thomas of Loch, schirre depute of the schirredome of Peblis, and Wilyham Derlyne, seriand within the said schirefdom, gretying in God: Til yhoure vniuersite be the tenoure of thir present letteris we mak kend, that ther comperit in the scherefe court haldin at Peblis before vs the fourtene dai of Februere, a worthy squiare, Johne Maluil, sone and ayre to quhilum Thomas Maluil, lorde of that ilk, presentand a breue of sesine of the kyngis chapel in cunabil fourme, throu verteu of the quhilk breue we past til the landis of Grefstoun and gafe the said Johne Maluil saisine heretabil of the thrid part of the thrid of the said landis of Grefestoun, at the chymmes of it, efter the tenoure of the kyngis breue, in presence of Wilyham Watsone of Grefisstoun, Wil Dekysone, Sir Henry Smale, Thom Johnesone, Wil Thomsone, Johne of Liddale, Wil Gray, Johne of Smalame, Henry Edgare, Adam of Geldstane, Robin Talyhefere, Patone Lukeup, and Thom Lukeup, with other sindri: and this til al men quhilkis it aferis we mak kend be thir present letteris. In witnes of the quhilk thing oure selis till thir present letteris ar to put, at Peblis, the xiiij day of Februere the yhere of our Lorde i^{m} cccc twenti and nyne yher.

30. NOTARIAL TRANSCRIPT, dated 26th July 1454, of a Discharge by DAVID BOSWELL of Balgreggie to JOHN MELVILLE of Raith, his father-in-law, for 100 merks of tocher. 24th June 1436.

IN Dei nomine amen: Anno ab incarnacione eiusdem millesimo quadringentesimo quinquagesimo quarto, mensis vero Julii die vicesimo sexto, indictione

secunda, pontificatus sanctissimi in Christo patris ac domini domini Nicolai, divina prouidentia Pape quinti, anno octauo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, Alexander Malvyne, quandam literam quiete clamacionis in papiro scriptam, sigillo vero nobilis viri, Dauidis Bosvile, domini de Balmoltow, sigillatam, vt apparuit, michi tradidit perlegendam, copiandam, transcribendam et in publicam formam redigendam; cuiusquidem tenor sequitur et est talis:—BE it kende til al men throw thir present lettres me, Dauid Bosvile off Balgregy, for til hafe ressauit ande fullele til hafe had throw the handis of Johne Malvile, lorde of the Ratht, my gude fadir, a hundir markys of vsuale money, the quhilke he wes awande to me becaus of the mariage off Elizabeth, his dowchtir, my wiff, as wes comprehendit in his obligatioun to me made tharof; off the quhilkis hundir markis and al othir dettis to me awcht be the saide my gude fadir be ony maner of way, or for quhatsumeuer caus, on to the day of the makyne off this present lettre, I grant me wele and fullele contentit and pait, and the saide Johne, my gude fadir, his ayris and al his, for me, myne ayris, and al myne for euermare, I quitclame be thir my present lettres: In the witnes off the quhilke thing my sele is to put at the Rathe the xxiiij day of the moneth of Juny, the yhere of oure Lorde, I^m^ cccc^mo^ ande xxxvj yere. SUPER quibus omnibus et singulis dictus Alexander Malvile, nomine et ex parte honorabilis viri, domini Johannis Malvile, militis, domini de Rathe, sibi peciit fieri publicum instrumentum: Acta fuerunt hec in domo Dauidis Boys, burgensis de Dysert, anno, mense, die, indictione et pontificatu supradictis; presentibus ibidem famosis viris, Dauide Boys, Dauide Malvile, armigeris, Johanne de Balfoure, Johanne Frasere et Willelmo Micaele, cum diuersis aliis ad hoc specialiter vocatis et rogatis.

Et ego, Alexander de Crauforde, presbiter Sancti Andree diocesis, publicus auctoritate imperiali notarius [*etc., in forma communi*].

31. CHARTER by KING JAMES THE SECOND to DAVID OF OGILVIE and CHRISTIAN OF GLEN, his spouse, of Inchmartin and other lands. 1st June 1437.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse, ex deliberacione consilii nostri generalis, dilecto nostro Dauid de Ogilby, omnes et singulas terras de Inchemartine, de Strathardil, de Kynnarde, de Elchok, de Ardargi, cum pertinenciis, iacentes infra vicecomitatum de Perth, ac omnes et singulas terras de Glen infra vicecomitatum de Peblis, omnes et singulas terras de Balmulto, Petconnochy infra vicecomitatum de Fyfe, et omnes et singulas

terras de Glennyslandis cum pertinenciis infra vicecomitatum de Roxburgh, omnes, et singulas terras de Wemys infra vicecomitatum de Fyfe, et omnes et singulas terras de Dron et de Achlasky, cum pertinenciis, infra vicecomitatum de Perth: Quequidem terre cum pertinenciis fuerunt Christiane de Glen, sponse dicti Dauid, hereditarie, et quas eadem Christiana, non vi aut metu ducta nec errore lapsa, in sua pura et legittima virginitate, in manus quondam domini genitoris nostri, per fustem et baculum, sua mera et spontanea voluntate, apud Glammys personaliter, coram hiis testibus, videlicet, Dauid de Dunbar, Georgio de Crechtoun, Waltero de Ogilby, Willelmo de Cranstoun, militibus, Roberto Cheshelme et Roberto Liddale, sursum reddidit pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit, pro se et heredibus suis, omnino quittum clamauit imperpetuum: Quas quidem terras cum pertinenciis dominus genitor noster prefatis Dauid et Christiane et eorum alteri diucius viuenti et heredibus inter ipsos legitime procreandis, quibus forte deficientibus, dicto Dauid et heredibus suis quibuscunque, contulit et donauit: Tenendas et habendas dictas terras de Inchemartyne, de Strathardil, de Kynnarde, de Elchok, de Ardargy, de Glen, de Balmulto, de Glennyslandis, de Wemis, de Dron, de Achlasky, cum pertinenciis, ac terras de Petconnochy predictas, prefatis Dauid et Christiane et eorum alteri diucius viuenti et heredibus inter ipsos legittime procreatis seu procreandis, quibus forte deficientibus, veris legittimis et propinquioribus heredibus dicti Dauid quibuscunque, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, cum omnibus et singulis libertatibus, commoditatibus et aisiamentis, ac iustis pertinenciis suis quibuscunque ad prenominatas terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum; adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dicta Christiana, aut aliquis predecessorum suorum, prenominatas terras cum pertinenciis ante dictam resignacionem quondam genitori nostro factam, liberius tenuit seu possedit: Faciendo inde nobis et heredibus nostris dicti Dauid et Christiana, sponsa sua, et eorum alter diucius viuens, ac heredes inter ipsos legittime procreati seu procreandi, quibus forte deficientibus, veri legittimi et propinquiores heredes predicti Dauid quicunque, seruicia debita et consueta: In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendo in Christo patre, Johanne, episcopo Glasguensi, cancellario nostro, Johanne Forstare de Corstorfine, camerario nostro, Waltero de Ogilbi de Luntrethin, milite, thesaurario nostro, Willelmo, domino de Crechtoun, magistro hospicii nostri, et Magistro Willelmo Foulis, archidiacono Sancti Andree, custode priuati sigilli nostri, apud Edinburgh, primo die mensis Junii anno regni nostri primo.

32. TESTIFICATE by DAVID OF DUNBAR of Cockburn and others respecting the resignation by CHRISTIAN OF GLEN, of Inchmartin and other lands. 16th September 1439.

TIL al men to quhais knawelage thir present lettres sal tocum, Dauid of Dunbar of Kokburne, George of Crechtoun . . . of Cranstoun of Korsby, knichtis, greting in God: For thi that al mon se and meritable ful thing is to bere . . . It is that we witness be the tenoure of thir lettres that we by wer, herde and saw, and for witnes wer callit qu . . . the dochtir of vmquhile Johne of the Glenne, and ane of the ayris of Schir Johne of the Glenne, in hir virgin[ity] . . . be staff and bastoun, in the handis of oure soueraine lorde the King Jamis that dede is, quhem God assolzie . . . hym, that is to say of Inchemartyn, of Strathardil, of Kynnarde, of Elchok, of Ardardy, within the schirref[dome] . . . in the schirrefdome of Peblis, of Balmultow and Petkonochy, within the schirrefdome of Fyff, and al hir parte of the . . . the schirrefdome of Roxburch, the quhilkis schou helde of hym as of the king, and alswa al . . . within the schirrefdome of Fyff, and all hir landis of Droune, within the schirrefdome of Perth, as in the handis of . . . of Auclasky, within the regalite of Stracherne, as Erll of Stracherne, the quhilk resignacioune mad . . . al thir forsaide landis to Davy of Ogilvy and to the saide Christiane, and to the ayris cummand betwe . . . saide Davy and his ayris quhatsumeuir: And this wes done as forsaide is in the castel of the . . . m cccc xx^{ti} vii [1]. And this til al to quham it afferis we mak kende be thir lettres, to the quhilk . . . we haue to hungyn oure seelis, at Edinburgh, the xvj day of Septembre the [yeir of] God a th[ousand four] hundreth thretty and nyne.

WATT OF OGILUY of Deskwrd.
ROBERT OF CHESHELM.

Robert of Ledaille berris witnes as is befor writtyne.

33. RETOUR OF INQUEST, finding that JOHN OF WEMYSS, son and heir of the late David of Wemyss, was not within the age of tutory. 28th February 1440.

HEC INQUISICIO facta fuit apud Perth coram domino Johanne de Rothven de eodem, milite, vicecomite de Perth, vicesimo octauo die Februarii, anno Domini millesimo quadringentesimo quadragesimo, per hos subscriptos ad hoc magno sacramento oneratos et iuratos, videlicet, dominos Patricium Lioun, Walterum Ogilby, milites, Thomam de Abircrumby, Georgeum Gray, Finlaum Buttir, Johannem Hering, Johannem Eviot, Leonem de Logy, Ricardum Buttirgask, Johannem

Yrlande, Andream Petscotty, Alexandrum Rothven et Robertum Barboure: Qui iurati dicunt quod Johannes de Wemis, filius et heres quondam Dauid de Wemis, excessit etatem quindecim annorum, et hoc ante festum sancti Martini in hieme vltimo lapsum; et quod non est infra annos tutorie: In cuius rei testimonium sigilla quorundam qui dicte inquisicioni intererant faciende huic inquisicioni apponuntur, loco, die, mense et anno supradictis. [Seal of the sheriff and John Yrlande remaining.]

34. CHARTER OF CONFIRMATION by SIR ANDREW MELDRUM, preceptor of the Order of St. John of Jerusalem, of Charter by JOHN DAVIDSON of Kinnaird to DAVID OF OGILVIE of the temple lands of Greenyard on 4th September 1441, dated at Torphichen, 12th July 1442.

OMNIBUS hanc cartam visuris vel audituris, Frater Andreas Meldrum, miles, preceptor ordinis beati Johannis Iherosolymitani infra regnum Scocie generaliter constitutus, salutem in Domino sempiternam: Noueritis nos ex consensu et assensu fratrum nostri capituli quandam cartam Johannis Dauison de Kynard factam Dauid de Ogilby, filio et heredi domini Andree de Ogilby, militis, domini de Inchmartyne, super quibusdam certis terris templariis jacentibus infra baroniam de Kynard, non rasam, non abolitam, non cancellatam, nec in aliqua parte sui viciatam, sed omni prorsus vicio et suspicione carentem, sanam et integram, inspexisse et plenarie intellexisse, cuius tenor sequitur et est talis:—OMNIBUS hanc cartam visuris vel audituris, Johannes Dauison de Kynard, salutem in Domino sempiternam: Sciatis me vtilitate mea in hac parte preuisa vendidisse ac pure vendicionis titulo a me et heredibus meis imperpetuum alienasse, necnon et hac presenti carta mea confirmasse Dauid de Ogilby, filio et heredi domini Andree de Ogilby de Inchmartyne, militis, totam illam terram meam templariam de le Grenyharde, vnacum vna pecia terre jacente ex parte occidentali de le Dene de Kynard, et sic ad occidentem vsque ad le Balk de eadem, et sic descendendo a via propinquiori ab ecclesia ad le Flawcrag a parte boriali vsque ad viam regiam ad austrum, necnon vnam peciam terre jacentem in le Smythis Hope inter terram de Quhiteside ad orientem et le Smythis Hope ad occidentem et le Brounside ad boriam et le Grenbalk eiusdem terre ad austrum, quequidem terre jacent infra baroniam de Kynard et vicecomitatum de Perth, pro quadam summa pecunie per dictum Dauid mihi pre manibus gratanter persoluta: Tenendas et habendas totas predictas terras cum pertinenciis predicto Dauid et heredibus suis masculis, quibus forte deficientibus, domino Andree de Ogilby et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, et illis deficientibus, Alexandro de Ogilby, filio quondam Dauid de Ogilby de Kynnef,

et heredibus suis masculis de corpore suo legitime procreandis, et quibus omnibus deficientibus, veris et legitimis heredibus dicti domini Andree quibuscunque, de sancto Johanne Ierosolymitani in feodo et hereditate imperpetuum, per omnes rectas metas suas et diuisas, cum omnibus et singulis libertatibus, commoditatibus et asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, ad dictam terram cum pertinenciis spectantibus seu iuste spectare valentibus, in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut ego aut predecessores mei dictam terram cum pertinenciis aliquibus temporibus retroactis tenui aut possedi, tenuerunt aut possiderunt: Reddendo inde annuatim dictus Dauid et heredes sui aut successores sui, vt prescribitur, domino de Torfiching sex solidos et octo denarios monete Scocie, in festo decollacionis beati Johannis Baptiste, si petatur tantum, pro omni alio onere, seruicio seculari, exactione seu demanda, que de dictis terris exigi poterunt vel requiri: Et ego, dictus Johannes, et heredes mei predictas terras cum pertinenciis predicto Dauid et heredibus suis et successoribus, vt prescribitur, contra omnes mortales warantisabimus, acquietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum meum, vnacum sigillo Roberti Harouar, burgensis de Perth, per me procurato, presenti carte sunt appensa; hiis testibus, Willelmo Scot de Balwery, Henrico Rate, Andrea Ramsay, scutiferis, domino Andrea Ramsay, et domino Dauid Brice, capellanis, cum multis aliis, apud Kynard, quarto die mensis Septembris anno Domini M° cccc° quadragesimo primo: Quamquidem cartam, donacionem, concessionem ac vendicionem, in omnibus suis punctis et articulis, modis et circumstanciis, forma pariter et effectu, nos, predictus frater Andreas de Meldrum, cum consensu et assensu fratrum nostri capituli, approbamus, ratificamus et pro nobis et successoribus nostris per presentes imperpetuum confirmamus: In cuius rei testimonium sigillum commune officii nostri presentibus appendi fecimus, apud monasterium nostrum de Torfiching, duodecimo die mensis Julii anno Domini M° cccc° quadragesimo secundo; presentibus prouidis et discretis viris, domino Willelmo Gudwyne, vicario de Torfiching, domino Michaele de Benyng, vicario eiusdem, Johanne Meldrum, Alexandro Hathwy et Jacobo de Foulis, clerico, cum aliis etc.

35. OBLIGATION by JAMES OF AUCHINLECK, knight, to ANDREW OF OGILVY, in reference to exchange of John of the Wemyss' half of Inchmartin. 7th October 1444.

BE it kend till all men be thir present letteris, me Jamis of Auchlek of that ilk, knycht, to be obblist, and be thir present letteris lelely to be bundyn till ane honor-

abill man, Andro of Ogilwill of Inchmartyne, knycht, in maner folowande, that is to say, that I sall gif assent and full fothering at my gudly pouar, that the said Schir Andro sall haf in change heritabely Jon of the Wemis halfe of the lordschipe of Inchmartyne and his quartare of Dron for the said Schir Androis part of the Wemis, of Elchyok, and the lordschip of the Glen, and the Eschellis, wyth thar pertenance, and at the said Jon sall mak sowar that he sall nocht disheris his sisteris. Item, the said Schir Jamis sall giff to the said Schir Andro the Erill of Douglas letter and seill, and sa mony other letteris of lordis as he can purches, to gif furthering and assent at thar gudly pouar to the tailzeing of the schirray of Angus landis, Wat of Ogilwyis, his awne, and his brother sonis Dawyis. Item, gif the said Schir Jamis and the saide schirray accordis or discordis, qwat sowmis may be recouerit for Jon of the Wemys mariage sal be giffyn to the said Schir Andro for the mariage of his son and his brother sone to the said Jonis systeris, and the said Schir Jamis and Schir Jon Froster sal folow it wytht the consaile of the said Schir Andro at thar gudly poware. In witnes herof I haf set to my seill at Perth the vij day of October the zere of oure Lorde a thowsande cccc^{mo} and foure and fourty.

36. Revocation by Christian of Glen of alienations made by her under compulsion of her late husbands. 26th February 1445-6.

In Dei nomine amen: Anno Incarnacionis Dominice millesimo quadringentesimo quadragesimo quinto, mensis Februarii die vicesima sexta, indictione nona, pontificatus sanctissimi in Christo patris ac domini nostri, domini Eugenii, divina prouidencia Pape quarti, anno decimo quinto; in mei notarii publici et testium subscriptorum presentia personaliter constituta nobilis femina, Cristiana de Glen, filia et vna heredum quondam Johannis de Glen de Balmulto, ex certo et deliberato consilio dixit et asseruit ipsam alias in minori etate constitutam ac in subieccione et custodia detentam consensisse cuidam tallie facte de terris sibi jure hereditario pertinentibus et spectantibus, per quondam Dauid de Ogiluy, maritum suum, eapropter dicta Cristiana nunc asserens se ad sui libertatem deuenisse, dictam talliam qualitercunque factam de terris suis sibi jure hereditario pertinentibus et spectantibus, quantum de jure possit aut debet, reuocauit, cassauit et adnullauit, et presentis instrumenti tenore reuocat, cassat et adnullat, ac pro reuocatis, cassatis et adnullatis habere wlt et habet: Insuper dixit et asseruit ipsam alias tempore Dauid de Abirkerdore, mariti sui, ad mandatum dicti Dauid et compulsam per eundem, consensisse alienacioni tunc facte de suo feodo et hereditate de certis terris sibi jure hereditario pertinentibus et spectantibus, idcirco nunc ipsam in sua pura

et legitima viduitate constituta, dictam alienationem de suo feodo et hereditate factam de certis terris eidem jure hereditario pertinentibus et spectantibus, quantum de jure possit aut debet, reuocauit, cassauit et adnullauit, et presentis instrumenti tenore reuocat, cassat et adnullat, ac pro reuocatis, cassatis et adnullatis habere wlt et habet; Protestando eciam quod per huiusmodi talliam aut alienacionem terrarum sibi suisque heredibus nullum preiudicium generetur quin ipsa possit et valeat recursum habere ad huiusmodi terras, in omnibus et per omnia, acsi huiusmodi tallia et alienacio minime facte fuissent: Super quibus omnibus et singulis dicta Cristiana per me, notarium publicum subscriptum, sibi fieri peciit publicum instrumentum: Acta fuerunt hec in hospicio vicarii de Dunde, anno, die, mense, indictione et pontificatu quibus supra; presentibus reuerendo in Christo patre, Johanne, miseracione diuina, episcopo Brechinensi, ac venerabilibus et prouidis viris, magistris Johanne Willelmi, officiali Brechinensi, Ricardo de Crag, vicario de Dunde, Willelmo de Kamys, vicario de Glammys, Johanne Wrycht, rectore ecclesie de Kynnell, Dauid Seres, vicario de Monymele, Dauid Fothringame de Povry, Jacobo Fothringame, burgensi de Dunde, ac dominis Johanne Malcolmi et Jacobo Bartholomei, presbyteris, testibus ad premissa vocatis pariter et rogatis.

Et ego Johannes Idill, clericus Sanctiandree diocesis, publicus auctoritate imperiali notarius [*etc., in forma communi*].

37. TRANSUMPT made 21st April 1449, of Indenture between SIR ANDREW OF OGILVY of Inchmartin, and JOHN OF WEMYSS of that ilk, for exchange of lands. 31st August 1445.

IN Dei nomine amen: Anno incarnacionis dominice millesimo quadringentesimo quadragesimo nono, mensis vero Aprilis die vicesima prima, indiccione duodecima, pontificatus sanctissimi in Christo patris et domini nostri domini Nicolai, diuina prouidencia pape quinti, anno tercio; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, dominus Andreas Ogiluil de Inchemartyne, miles, quandam partem cuiusdam indenture sanam et integram, non viciatam, non cancellatam, non rasam, non abolitam, neque in aliqua sui parte suspectam, sed omni prorsus vicio et suspicione carentem, sigillisque eorum quorum esse dicuntur sigillatam, coram Willelmo Thyne, ballio burgi de Dunde, pro tribunali sedente, presentauit et perlegit, ac per me, notarium publicum subscriptum, in formam publicam per modum transumpti redigi postulauit; cuius vero indenture tenor sequitur et est talis:—THIR Endenturis made at Edinburght the last day of the moneth of August the yher of Gode a thousande four hundreth fourty and fyve

yeris proportis and beris witnes that it is accordit betwex honorabile and worthy men, that is to say, Schir Androwe of Ogiluile of Inchemartyne, knycht, on the ta part, ande Johne of Wemys of that ilke on the tothir part, in maner, forme, and affec as eftir foluys, that is to say, that the saide Schir Androwe sal hafe in cosing and change the saide Johne of Wemys part of the landis of Inchemartyne, wytht thar pertenence, wytht tenande and tenandry, in fe and heritage for euer; ande the saide Johne of Wemis sal hafe in like maner tharfor the saide Schir Androus part of the landis of the Wemys-schir, to gidder wytht his part of the landis of the Glen, and of Elchoke, wytht the chemys tharof, wytht tenande and tenandry, ande al richtwyse pertinence, in fe and heritage for euer: Alswa it is accordit that the saide Schir Androwe and Johnne sale appere in Perth in the kyrke of Sanc Johne the Baptist on Tysday eftir Martimez, the quhilk sal be the sextene day of the moneth of Nouember next for to cum, befor noone, befor thir five personis vndirwirtyne, that is to say, Henry Forstar, Androwe of Lundy for the saide Johne, ande Willizame of Fentoune and Johne of Throntoun for the saide Schir Androwe, ande Schir Jamys of Auchinlek of that ilke, knycht, as od man, the quhilkis five ar bodily sworne the gret aith, the haly wangelis twichit, til ende, modify and exstent the saide landis and cosing eftir thar wittingis lelily and trewly, swa that ilkane of tha partyis hafe thar awne but werring eftir thar vndirstanding: Item, the saide Johne sal bring to the saide trist ane of thir twa, that is to say, Thome of Wemys of Rerace, Johne of Wemys of Sanc Androwis; and the saide Schir Androwe, ane of thir twa, that is to say, Maister Alexander of Guthery or Robert of Foullertone, the qwilkis salbe sworne in like maner as the five personis ar sworne til ende the saide change and cosing as is forsaide; ande gife the saide Schir Androwe and Johne falizeis in the brynging of twa of the forsaide last nemmyt four personis, the first five sal ende the saide cause; ande gife it happinnys, as God forbede, ony of the forsaide first fyve personis to falize on ony maner of wyse, sic a like persone salbe chosyne wytht the consent of the saide Schir Androwe and Johne, ande falizeande tharof to be chosyne wytht the consent of the remanent of the fyrst fyve personis beande present, but fraude or gile. Ande gife the forsaide Johne of Wemys landis of Inchemartyn be fundyne be thaim mar of value or bettir than the saide Schir Androwis landis of the Glen, of Elchoke, and of the Wemys-schir, the said Schir Androwe sal recompence to the saide Johne and to his ayris to the value of the ourcome be the ordinance and the deliuerance of the saide arbitrouris of the landis of Drone to the saide Schir Androwe pertenande, ande falizeande tharof, of ony othir of his landis best gaynande to the saide Johne at the sicht of the saide arbitrouris. Ande gif the saide arbitrouris

findis the saide Schir Androwis part of the Wemys-schir, of the Glen, and of Elchoke, wytht thar pertenence as is forsaide, excedis and is mar of waloue than the halfe of Inchemartyne, wytht the pertenence, the saide Johne sal recompence to the saide Schir Androwe ande to his ayris to the value of the ourcome be the ordinance and the deliuerance of the saide arbitrouris of the landis of Drone to the saide Johne pertenande, and falizeande tharof, of vthir of his landis best gaynande to the saide Schir Androwe at the sicht of the saide arbitrouris. Item, it is accordit that gife Alexander of Ogiluile, the sone and ayr of vnqwile Dauy of Ogiluile, maryis ane of the sisteris of the saide Johne, as is poyntit, the saide Alexander beande in the fe of his landis of the Wemys-schir ande of Elchoke, the saide Johne sale recompence to the saide Alexander as in change for his part of the saide landis als profitabile landis of the saide Johnis, and of alsmekile value as he giffis to the saide Schir Androwe for his part of the forsaide landis, heritabilly to the saide Alexander and his ayris. Ande al thir landis forsaide changit to be haldyne als fre of the ourlordis as thai war befor the change. Ande gife the saide Johne and Alexander can nocht accorde of the forsaide change thai sal submyt thaim to the forsaide fyve arbitrouris or sevyn, and falizeande of ony of thaim takande sic lyke, and vnderly thar deliuerance and ordinance in like maner as the saide Schir Androwe and Johne ar bundyne. Ande gife thai discorde in the chesing of the personis forsaide, tha arbitrouris beande on life sal chese the remanent to the nowmer forsaide. Item, the saide Schir Androwe and Johne sal vnderly the ordinance and the deliuerance of the forsaide personis at the saide day and place of al malis, cowntis and rekynnyngis betwex thaim, ande specialy of the malis of the wande landis, the qwilkis the saide Schir Androwe sayis that he lete hym entir in befor the lauchfule tyme of his elde, that is to say, of Strathardill and Elchoke, the saide arbitrouris beande sworne, ande al thir condiciones and appoyntmentis above wirtyne lelily and trewly to be kepyt, but fraude or gile, athir of the partyis til othir, the haly wangelis twechit, has giffyn bodily aith, ande for the mar sekirnes interchangeabely has hungin to thar selis, togidder wytht the selis of honorabile men, that is to say, Schir Johne Froster of Corstorfin and Schir Jamys of Auchinleke, knychtis, day, yher, ande place befor writtyne, procurit be the forsaide partyis; befor thir witnes, Johne of Maxvile, Androwe of Wemys, George of Grinlawe, Archebalde Wallace, Schir Patrike Lesouris, persone of Newtoun, Petir of Cochrane, ande Schir Thomas of Kyrcaldy, publist notar, and mony vthris. Post cuiusquidem indenture perlecturam prefatus dominus Andreas per me, notarium publicum subscriptum, sibi fieri peciit publicum instrumentum: Acta fuerunt hec in pretorio burgi de Dunde, anno, die, mense, indiccione et pontificatu quibus supra;

presentibus prouidis viris, Georgeo Broune, Jacobo Skrimgeour, Thoma de Leis, burgensibus dicti burgi, Thoma de Haya, scutifero, domino Johanne Qwittoun, vicario de Ochtirhouse, Waltero Grenlawe, clerico communitatis burgi de Dunde, et Andrea Parcar, cum multis aliis testibus ad premissa vocatis pariter et rogatis. Et in euidencius testimonium premissorum sigilla quorundam testium prescriptorum presenti publico instrumento sunt appensa.

Et ego Johannes Idill, clericus Sancti Andree diocesis, publicus auctoritate imperiali notarius dictam partem indenture vidi, tenui et perlegi, et in hanc publicam formam fideliter redegi, factaque collatione et examinacione diligenti de presenti transumpto cum originali, quia ea in omnibus concordare inueni, ideo presens publicum instrumentum aliena manu scriptum inde confeci, signoque meo solito et consueto signaui rogatus et requisitus in testimonium veritatis premissorum.

38. LICENCE by the PENITENTIARY of POPE EUGENIUS THE FOURTH to JOHN ROSS and MARION, his wife, to choose a confessor. 17th July 1446.

GEORGIUS de Cesarinis, Dei gratia sedis Apostolice prothonotarius, dilectis in Christo nobilibus Johanni Ros et Mariote eius vxori, Glasguensis diocesis, salutem in Domino: Vt animabus vestris salubrius consulatur, auctoritate domini Pape cuius penitentiarie curam regimus, deuotioni vestre concedimus, quatenus liceat vobis ydoneum et discretum presbyterum in confessorem eligere, qui super peccatis que sibi confitebimini, nisi talia sunt propter que mansit sedes apostolica conferenda, dicta auctoritate vobis prouideat de absolutionis debite beneficio et penitentia salutari, hinc ad quinquennium quociens fuerit opportunum: Vota uero peregrinationis et abstinencie, si qua emisistis que seruare commode non potestis vltramarino, beatorum Petri et Pauli atque Jacobi apostolorum votis duntaxat exceptis, commutet vobis hac uice idem confessor in alia opera pietatis. Datum Rome apud Sanctum Petrum sub sigillo officii penitentiarie xvj kalendas Augusti, pontificatus domini Eugenii Pape IIII. anno quinto decimo.

D. Bunnatis. G. CHAIGNON.
Fulco.

39. INDENTURE between Sir ANDREW OGILVIE of Inchmartin and ALEXANDER OGILVIE of Kinneff, his nephew, respecting the marriage of the latter's three sisters and his own curatory. 31st July 1449.

THIS endentur maide at Inchemartyne the last day of the moneth of Julii, the yer of Gode a thusande four hundreth fourty and nyne, betuix honorabile men,

that is to say, Schir Androwe of Ogilvile of Inchemartyne, knycht, on the ta part, and Alexander of Ogilvile of Kynnefe, on the tother part, the quhilk proportis and beris witnes that it is accordit betuix the saide Schir Androwe and Alexander at the saide Schir Androwe sal mary and at his gudly powar ger be maryit alsoune, als honorabely and als profitabli as thai war his awne dochteris gottyne of his body, Margret, Cristiane and Marioune, ful sisteris to the saide Alexander, to the quhilkis mariage the saide Alexander, with the consent and the assent of the saide his thre sisteris, has gefyne and assingnit to the said Schir Androwe, the saide thre his sisteris partis of thar gudis belangande thaim throwe the dede of Dauy of Ogilvile, vmqwile thar fader, togidder with his haile ayrschepe of his saide fader, gife the saide Schir Androwe thinkis it spedfule, and falzeande tharof his mariage gudis be the sycht of the saide Schir Androwe, his eme, quhill his saide thre sisteris may be honorabli steddit be the saide his eme and thar touchqueris fullely payit; and gife the saide gudis, his ayrschepe and his mariage gudis, beis mar of valu or excedis the soume of mone and gudis at the saide Schir Androwe sal hafe spendit on the saide Alexander, and the saide his thre sisteris, or the saide Alexander be of twenti and fyve yeris of age, the saide Schir Androwe sal assitht to the saide Alexander ilka peny or peny wortht, that is to say, the ourcome within a yer next tharefter or befor, at the will of the saide Alexander, til him or his assingnais; ande gife the saide Schir Androwe hafe spendit mar on the saide Alexander and his sisteris forsaide than the saide mariage, ayrschepe and gudis cumis to, as is befor wryttyne, be the forsaide tyme of his age, as is befor exprimit, the saide Alexander at the wile of his saide eme sal mak haile contentatioune and payment of the haile ourcome to the saide his eme at sik lyk tyme as he suld hafe tane payment of the saide his eme and oucht haide bene tharof remanit in his emys hande on thaim vndisponit, as is befor writtyne: Alsua the saide Alexander sal vtirly governe him and al his landis and his gudis, hade and for to be hade, and principaly his mariage, quhill he be of twenty and fyve yer, be the conseile and ordinance of the saide Schir Androwe, his eme; and gife the saide Alexander be scathit or harmyt be the conseile of the saide Schir Androwe mar than he happenys to be amendit or beterit at the outwering of the saide twenty and fyve yeris, the saide his eme sal recompence and amende his saide scathis ilka peny or peny wortht within a yer next tharefter at the wile of the saide Alexander; ande gife it sal happyne the saide Alexander, without consent of his saide eme, to sele, wedset for male, or set for yerly male, in ony tyme to cum within the saide tyme, or to mak ony kynde of alienacioune of ony kynde of lande that salbe his or is his the day of the makyn of this write, or euir in ony tyme of his life sellis or wedsettis for malis, or makis ony kynde of disherisoune to

his ayris of ony landis at he is borne to heretabli, the quhilk he is obblist, and be this present write obblisis him, at he sal neuer do without fule consent and assent of the saide his eme, he granttis him to hafe set, saulde, wedset, or analyit, and be this present write settis, sellis, wedsettis and analyis the samyn lande to the saide his eme, or ma, gife thar be ma than ane, for sik lyk price and tyme, aude with al othir fredomys as he makis condicioune of thame to ony othir persone or personis, but fraude or gyle; ande gife it happenis othir of thir partis forsaide to do in the contrar, or to breke ony of thir forsaide condicionis, as Gode forbede it do, the parti falzeande sal pay to the parti kepande condicioune five hundreth markis of vsuale mone of Scotlande for thar costis and thar scathis within a yer next efter the brekyne of the saide condicionis, neuertheles al condicionis forsaide, as is befor writtyne, to be of valu; and at al thir enpoynmentis and condicionis befor writtyne sal lely and treuly be kepit and fulfillit athir of thir partis forsaide for tham and thar ayris til vthir ar oblist vndir the fathis of thar bodyis; and for the mar credence, to the part remanande with the saide Alexander the seile of the saide Schir Androwe is to put, togidder with the selis of ane honorabile man Alane of Kynnarde of that ilk and Johne Scot of Fingask, procurit with instance be baitht the forsaide partis, ande to the part remanande with the saide Schir Androwe the seile of the saide Alexander is to put, togidder with the seillis of the saide Alane and Johne procurit with instance as is befor writtyne, befor thir witnes, Schir Androwe Ramsay, persone of Ouchtirdera, Johnne of Skrillyng, Schir Jamys of Nefe, and Schir Thomas of Cors, chapelanis, with vthir sundry, yer, day, and place befor writtyne.

40. PRECEPT by JOHN OF RUTHVEN, Sheriff of Perth, to infeft SIR ANDREW OF OGILVIE in the half of Inchmartin, formerly belonging to John of Wemyss. 15th August 1451.

SCHER Johnne of Rothvene of that ilke and schirrefe of Perth to Thome Wardroperr, mar, and to his deputis of the nethir est quarter of Gowre, greting: We charge yhou, or ony ane of yhou, that yhe pas to the chemis of the halfe of the lordschipe of Inchemartyne vmquhile pertenynge to Johne of Wemys, and thar ye gife heretabile sasyne to Scher Androve of Ogilby, or til his atturnais, ane or ma, of the saide landis wytht the pertinence, saffande ilke mannis richt, and eftir the tenor of a certane indentur made be the saide Johnne to the saide Scher Androve vndir the seil of his armys and the sellis of vmquhile Scher Johnne Froster and Scher Jamis of Auchinleke as twechinge the change of the saide landis for

the saide Scher Androvis landis of Elchyoke, the Wemischir and of the Glen, and eftir as the saide Scher Androve has obtenit befor vs be a brefe of conuencioun of the kingis chapele and eftir as is contenit in the decret of the curt and the rolment before vs tharof made, writtyne vndir our seile at Rothvene the xv day of August the yer of Gode a thousande four hundreth fyfty and ane. [Seal remaining—shield couché, charged with three bars.]

41. EXTRACT from the Sheriff-Court Books of Forfar with Decreet at instance of SIR ANDREW OGILVIE of Inchmartine against WALTER TULLOCH of that Ilk. 1st May and 31st July 1452.

CURIA vicecomitis de Forfar tenta apud montem castri de Monros per Walterum de Ogilville de Bewfurde, deputatum Alexandri de Ogilvile de Ouchterhouse, vicecomitis de Forfar, in vigilia Sancte Trinitatis, anno Domini millesimo quadringentesimo quinquagesimo secundo, sectis vocatis, curia affirmata, etc.

THE quhilk day comperit in jugement Scher Andro of Ogilvile of Inchemartyne, knycht, and askit at the saide scheref deput quhat at he hade done till a brefe of conuencioun present till him be the saide Scher Andro xl dais befor and mar vpoun Wat of Touloch of that ilke, as twecching ye mariage of him selfe and of his sone and his ayre: and than the saide scherefe deput callit Willyhame Marschale, mar of fee of the qwarter of Arbroith, and askit at him quhat at he hade done to the summonis of the saide brefe efter as wes geffyne him in commandement be the scherefe forsaide, and than the saide Wilyhame, mar of fee, incontenent provit the saide summonis lauchfully maide xl dais befor and mare and to this day peremptorly to the saide Wat till answer til the saide Scher Andro, and til al the ponttis contenit in the saide breffe twechande the saide mariagis; the quhilk summonis beande lauchfully provit the saide scherefe deput gert the saide Wat be callit be the saide mar oft and mony tymis til answare to the saide party vpoun the saidis actionis, and to the ponttis contenit in the saide brefe, the quhilk comperit nocht, and the tyme of day past, and than the saide Scher Andro saide that he wes cumyng till his clame of the forsaide mariagis and for non defence efter the tenour of certane depositionis proufet in writ and vnder sellis of Johne of Lummysdene of Ardry, Scher Andro Ramsay, person of Ouchtirdera, and Johne of Skirling, or the vaile of the saide mariagis, the quhilk he clamyt for his awne mariage gif it falyheit ij^{c} markis, and for his

sonnis iij^{c} gif it falyheit, and for the mar habundance askit the saide depositionis with vtheris diuerse depositionis thar present and rede to be decernit resonabile prufe for his saide clamys and that be decret of curt, and his party to fulfill the forsaide condicionis or til assitht the saide summys and tharto to be compellit as lawe walde; and than the saide Scher Andro removit out of curt: the curt avisit as than, the saide Scher Andro in-callit, for waiknes of curt the forsaide decret wes delayit and resplatit til a curt to be haldyne at Forfar the first day of the moneth of Julii next tocum, that day beand as this day in all thing, but preiudice of ony party.

CURIA vice[comitis de Forfar tenta ibidem in pretorio dicti burgi per Johann]em Carncorse de Balmyschener, deputatum Alexandri de Ogilvile de Ouchterhouse, vicecomitis de Forfar, . . . prim[o die] mensis Ju[lii] anno prescripto, sectis vocatis, curia affirmata, etc.

THE quhilk day comperit in curt [Scher Andro] Ogilvile, and askit the decret resplatit and delayit out of the last curt befor to this curt tweching the brefe of conuencioun and his clam . . . Wat of Toulocht efter as contenit is in the curt ganging befor; and than the saide Scher Androve removit out of curt: [the curt avisit as than], the saide Scher Andro in-callit again in curt, for waiknes of curt put the saide actioun in resplat in lik manner as the curt . . . til a curt to be haldyne at Forfar the last day of this instante moneth of Julii.

CURIA vicecomitis de Forfar tenta ibidem in pretorio dicti burgi per Thomam de Fentoun de Ogile, deputatum Alexandri de Ogilvile de Ouchtirhouse, vicecomitis de Forfar, die Lune vltimo die mensis Julii anno prescripto, sectis vocatis et curia affirmata, etc.

THE quhilk day comperit in jugement Scher Andro of Ogilvile forsaide and askit the decret resplatit and delayit out of the curt befor writyn next precedand lik as it ves resplatit out of the curt of Monrose next befor that curt as tweching the conuencioun purchest be the saide Scher Andro vpoun Wat of Toulocht and his clamys, as is contenit in the saide curt haldyne at Monrose, to be pronunsit and decretit and deliuerit as it sulde haf ben done in the curt of befor, allegeande as he dide of befor, that he wes cumyng till his clame for non defence, and for the mar habundance gefe in his provise in writ; than the saide Scher Andro removit out of curt; the curt riply avisit, the saide [Scher Andro] tharefter in-callit, decretit and decernit the said w[rittis pr]esent be the saide Scher Andro to be

resonabile prufe for the saide conuencionis, [for non] defence and for his clamis forsaide as is contenit in the saide curt haldyn at Montrose, the quhilk wes pronunsit be the [mouth o]f the dempstar and commandement geffyne be the juge to the saide mar of the qwarter of Arbrothoc to compell the saide Wat to fulfile the saide conuencionis within lauchfule tyme and as lawe wille; of the quhilk procese the saide Scher Andro askit the copi to be transsumit till hym vnder the jugis seillis and the seile of the office, and to be deliuerit til hym for the cost, the quhilk wes granttit and decernit hym be the juge and the curt, yher, day and place forsaid.

42. TESTIFICATE by ANDREW LUNDY, Sheriff of Fife, regarding Procuratory of Revocation by MARJORY OGILVIE. 23d October 1453.

TILLE alle men to quhais knawlege thir present lettres selle tocum, Andro Lundy, scheref of Fiff, grething: Sen meretabille thing is tille bere witnes tille swthfastnes, and naymly tille officiaris in the administracione of thair office, quhare the occultatioun of verite ma gennyre preiudice tille innocentis, thin it is that I bere witnes be thir my lettres that in the tolbouthe of the burghe of Coupar, in the scherai court thar, be haldin the sewynteyn day of the monethe of Octobire the yhere of Gode a thousande foure hundrethe fifty and tua yhere, comperit Schir Andro Ogylvyl of Ynchemartin, knycht, and presentit lettres of procuratory made be Mariory Ogylvyl, his spouse, the douchtir wmquhille of Schir Jhone Glen, knycht, larde of that ilke, of the quhilk lettres the tenoure folowis, in thir wordis: —BE IT made kende tille alle men throw thir present lettres me, Mariory of Ogylvylle, the douchtire of wmquhille of Jhone of the Glene, and ayre principalle and eldast till wmquhill Schir Jhone of the Glene of that ilke, and tille Daym Mergaret of Erskyn of Ynchemartin, tille hawe made, constitute and ordande, and be thir present lettres makkis, constitutis and ordandis ane honorabille man, and myn derrest spouse, Andro of Ogilwile of Ynchemartyn, myn procuratoure, attornay and specialle depute tille compere for me and in myn naym in the scheref court of Fiff the saidis sewynteyn day of Octobire next tille cum, to be haldin befor the scheref or his deputis, ane or ma, and in alle othire courtis and placis alse oft as him thinkis spedfulle, and thar for me and alle my personaris in my naym and thairis to protest, and protestatioun tille mak lik as wes of befor, be vmquhille Schir Jhone of Glene and the saide Dame Mergaret, his wyff, and be Schir Jhone of Wemys and Dame Isabelle his wiff, in the scheref court of Fiff befor Schir Jorge of Leysle, that tym scheref of Fiff, and in lik maner be the saide Dame Mergaret in the scheref court of Perth befor Schir

Waltir Stewart, that tym scheref of Perth, efter the dede of Schir Jhone Glene, hire spouse, in hire pure viduite, or in ony othir maner of way, be the saide myn procuratoure sen spedefulle, that alle alienationis of fee and heritage that langit or pertenit or of law sulde hawe langit or pertenit till wmquhille Dame Isabelle of Inchemartin and wyf tille Schir Alan of Erskyn, donne or made be the saide Schir Alan or be the saide Dame Isabell, scho beande couerit, or be ony othire of hire successouris wnlauchfully or in the contrare of the law of Scotlande, and principaly of the landis of the Wemys-Tarweth within the scherefdome of Fiff, and of the landis of Carrik and Glenerochquhi, within the lordeschipe of Kylbrochqwy, within the regalite of Athoyll and in the scherefdome of Perth, or of ony othire landis or annuelle rentis or profitis belangande fee and heritage within the kynrik of Scotlande; and in lik maner giff ony landis, fischinnis, annuelle rentis or profitis be wrangwysly or wnlauchfully, or of ony maner of way withhaldin fre me or myn personaris, that alle sik alienacionis or wrangwys detencionis or occupacionis turne me, na to myn personaris in preiudice, na do ws na harme na scathe na deferring tille oure richtis be na maner of way, and principaly be prescripcioun, bot at ma hawe the law and recurse till it in tym of pese and of law and quhen law is kepit, ande alle othire and sindry thingis tille do and hawnt that till the office of sik a procuratour, attorny or speciale depute ar knawyn of law or of custum to perteyn, or at I mycht do, and I ware present in propire persoun, I haldande and for tille halde ferme and stabill quhatsumeuer thing the forsaide myn procuratour, attorny or speciale deput in myn naym or myn personaris forsaide ledis till be done. In the witnes herof I hawe set to my seell at Ynchemartin the x day of Septembre the yhere of Gode I^{m}cccc fifti and tua yhere. THE QUHILK lettres beande rede in court, herde and wnderstande be thaim present in court, the saide procuratour admittit, lauchfulle protestit thare that alle alienacionis made be Schir Alan of Erskyn and Dame Isabelle his spouse, or ony ayn of thaim, or yhit be thare successouris of quhatsumeuer landis, annuelle rentis, fischinnis or ony othire profitis quhatsumeuer belangin his spouse Daym Mariory, of fee and heritage, redundit nocht na yhit turnit tille hire na tille hire personaris in harme or scathe in ony tym cuming; ande alse he protestit that the wrangwyse detencionis, occupacionis of the saide landis, annuell rentis, fischinnis and profitis or yhit of ony otheris landis, annuele or profitis be quhatsumeuer made, pass nocht in prescripcioun, bot at scho and hir personaris ma hawe law and recurse tille alle the saide landis, annuele rentis, fischinnis and profitis in tym of pese and law, the quhilk thingis the saide procuratour protestit expresly togiddir with alle the layf of the clausis contenit in the saide lettres of procuratory in the presens of thir lardis and gentillis wnderwrittin and diuers

otheris, in the first Jhone Kynlouche of Cruwe, Dauy Hay of the Nauchtan, Jhone Lummysdeyn of Ardre, Dauy Berclai of Colerny, Jhone Kynnere of that ilke, Jhone Wemys of Kylmany, Wilzheam Strathenry of that ilke, Dauy Balfour of Caraldstane, Alyschender Lothroisk of that ilke, Archebalde Meldrum of Cleysche, Alyschendir Thayn of that ilke, Jhone Lummysdeyne, yhoungare, and Jorge Ramsay, apperande ayre tille the Larde of Clatte; In the witnes herof Thome of Kyninmonde seele, myn deput, in the absens of myn seelle as hawande the strenthe of myn awn seelle, togiddir with part of thire saide lardis seelis, to thir myn lettres ar to hungin at the burghe forsaide, the day, the monethe and the yhere befor writtin, ande thareftire I the saide scherai the xxiij day of Octobere, the yhere of Gode I^{m}cccc fifty and thre yhere has to hungin myn propir seelle.

43. TRANSUMPT of PRECEPT by KING JAMES THE SECOND, and MONITION by JAMES, Bishop of St. Andrews, to the ARBITERS on the excambion of Inchmartin and Wemyss. 8th July 1455.

IN Dei nomine amen: Anno incarnacionis Dominice millesimo quadringentesimo quinquagesimo quinto, mensis vero Julii die octauo, indictione tercia, pontificatus sanctissimi in Christo et domini, domini diuina prouidentia pape anno primo; in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, dominus Andreas de Ogilvill de Inchmartyne, miles, duas literas papireas rubea cera sigillatas, vnam, videlicet, quandam literam preceptoriam e capella regia emanatam, signeto domini nostri regis Jacobi patenter signatam, et aliam, literam denunciacionis sigillo reuerendi in Christo patris rotundo sigillatam, mihi, notario publico, perlegendas examinandas, copiandas et transsumendas presentauit; cujus quidem litere regie tenor talis est:—JAMYS, be the grace of God, Kyng of Scottis, till our lowedis Jamys of Auchlek of that ilk, knycht, Henry Forester, Andreu of Lundy, Willzam of Fentoun, and Jhonne of Thorntoun, gretyng: Nochtwythstandyng that we made yhou be summounde be our lettres till haff comperyt in Perth certane day to haff endyt and gewyn out the change and cosyng of certane landis betuyx Andrew of Ogilby of Inchmartyne, knycht, and Jhone of Wemys of Methkill, lyke as ye ar oblist to do, and the said partis compromyttit to yhou, the qwhilk day nor place yhe comperit nocht bot contumacely absentit yhou, disobeying of our lettres forsaidis; Our will is and we charge yhou yhete as of before, that yhe compere in the said place the last day of the moneth of Octobre next to cum wyth continuacioun of dayis, and endis and giffis furth the said submissioun efter as ye ar oblist be yhour athis, certifying the said partis that ye ar chosyn fore of

the said day and place, and at ye mon deliuer the said submissioun quhether thai compere before yow or nocht; and this be naway lefis wndone wnder the payne of recognicioun of your landis and arrestyng of yhour gudis, deliueryng thir our lettres be yow red and wnderstandyn agayn to the berar: Gewyn wnder our signete at Faukland the ix day of Nouember, and of our regne the ellewyn yhere. Sequitur execucio eiusdem litere:—I, Schir Thomas of Corse, chapelane, summounde the said Willyam of Fentoun and Ihone of Thorntoun in proper persoun before thir wytnessis, Patrik Charteris, Patrik of Ogilvill, and Jhone Scot, wytht syndry other: and I, the said Thomas, summounde the forsaid Andro of Lunde in proper persoun before thir wytnessis, Dawy Boswell of Ballmulto, Patrik Charteris, Jhone Scot, and Henry Cosere: and I, the said Thomas, summonde the forsaid Henry Forester at Nudry, his mansioun and duellying place, before thir wytnes, Jhone Dicsoun, Willyam Androw Dawisoun, and Ewyn Cambell, his broustar, wytht syndry other. Alterius vero videlicet denunciacionis tenor talis est et sequitur sub hac forma:—JACOBUS, miseracione diuina, episcopus Sancti Andree, vniuersis et singulis ecclesiarum rectoribus, vicariis perpetuis, presbyteris curatis et non curatis, per nostram dyocesim vbilibet constitutis, super execucionem presencium debite requisitis, salutem cum benedictione diuina: Quamuis alias Henricus Forstar de Nudry, Andreas de Lundy, Willelmus de Fentoun et Johannes de Thorntoun, arbitri mutuo consensu electi in quadam causa excambii seu appreciamenti certarum terrarum inter nobilem virum, dominum Andream de Ogilvill de Inchmartyne, militem, ab vna, et Johannem de Wemys ab alia partibus, per nostras certi tenoris patentes literas legittime moniti ad comparendum certis die et loco eisdem specialiter assignatis, ad proferendum, determinandum et pronunciandum eorum determinacionem et decretum in dicta causa, partibus predictis et in scriptis sub eorum sigillis, vt moris est, prout fuerunt obligati sub pena excommunicacionis, ipsi tamen nostris monitis et mandatis minime obtemperantes in dictas excommunicationis sententias dampnabiliter inciderunt: Vobis igitur et vestrum cuilibet in virtute sancte obediencie stricte precipiendo mandamus quatenus dictos Henricum, Andream, Willelmum, et Johannem, quos et eorum quemlibet suis causantibus demeritis et contumaciis excommunicamus in hiis scriptis, sic per nos excommunicatos et eorum quemlibet excommunicatum, in ecclesiis vestris et singulis earum omnibus diebus dominicis, festiuis et aliis, inter missarum sollempnia et alibi publice denuncietis, et vestrum quilibet denunciet, a dicta denunciacione non cessantes donec ad cessandum a nobis reciperitis in mandatis: Et presentes debite executas cum requisiti fueritis earundem reddite latori: Datas sub sigillo nostro rotundo apud Sanctum Andream, xii° die mensis Nouembris, anno Domini millesimo quadringentesimo quadragesimo septimo et consecracionis

nostre decimo. Sequitur execucio eiusdem litere :—Et ego, Thomas de Cruce, capellanus, denunciaui suprascriptos, videlicet, Henricum, Andream, excommunicatos vigore presencium, in ecclesia parochiali de Perth, xx° die mensis Nouembris anno antedicto, hiis testibus, Willelmo Fentoun, Johanne Thorntoun, domino Roberto Grame, capellano, cum diuersis aliis, scriptum manu propria. Post quarumquidem literarum lecturam, inspecturam et diligentem examinaturam, dictus dominus Andreas a me, notario publico, sibi fieri peciit publicum instrumentum siue transumptum, vt ipsi transumpto fides adhibeatur futuris temporibus sicut originalibus. Acta fuerunt hec in capella de Inchmartyne hora quasi vndecima ante meridiem uel eocirca, sub anno, die, mense, indiccione et pontificatu quibus supra ; presentibus ibidem, honorabilibus et discretis viris, Johanne Ketht de Troupe, dominis Andrea Chepman et Johanne Merciale, capellanis, Willelmo Cochrane de Cleggorne, Andrea Erth, Willelmo Scot, Roberto Noroway, armigeris, testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Hude, presbyter Sancti Andree dyocesis, publicus auctoritate imperiali notarius [*etc. in forma communi*].

44. Discharge by Alexander Ogilvie of Duntrone, to his uncle, Sir Andrew Ogilvie of Inchmartin, for £80. 21st August 1458.

Be it kende till all men be thir present letteris me, Alexander of Ogilwile of Duntrone till haf resawit and fullely to be payit and content be the handis of myne eme, Schir Andro of Ogilwill of Inchmertyne, knycht, and of his seruandis for hym, of four scoire of pundis of vsuale mone of Scotlande, and in the quhilk sowme he was bundyn to me be his obbligacioun for my sisteris Cristeanis part of my fader gudis, and of my ayrschepe giffyn be me to the mendment of my sisteris mariage, of the qwilk four scoire of pundis I halde me weile content and payit, and the saide Schir Andro, his ayris, executouris, and assingnais, and all otheris at afferis tharof for ewermare quitclemys : In witnes herof I haf set to my seile at Dunde the xxj day of the moneth of August the yere of Gode I^m four hunder and aucht and fyfty, and for the mar witnessing I haf subscriuit myne name with myne awne hande.

Alechander of Ogilvil o Kymef,
Virtin vit miyn naun hand.

45. CHARTER by ANDREW, LORD GRAY, and his son and grandson, to DAVID OGILVIE of Inchmartin, of four bovates of land of Inchmartin in the barony of Longforgan. 1st May 1461.

OMNIBUS hanc cartam visuris vel audituris, Andreas dominus le Gray, salutem in Domino sempiternam : Noueritis nos vtilitate nostra in hac parte preuisa, et cum consensu et assensu carissimi filii nostri et heredis, vna cum consensu et assensu Andree Gray, filii sui et heredis, militum, dedisse, concessisse et hac presenti carta nostra confirmasse, dilecto consanguineo nostro Dauid de Ogilvy, filio et heredi apparenti domini Andree de Ogilvy de Inchmartyne, militis, quatuor bouatas terrarum de Inchmartyne cum pertinenciis, que nunc existunt in manibus Johannis Gall, firmarii nostri, iacentes in baronia de Langforgound, infra vicecomitatum de Perth, pro quadam certa summa peccunie nobis in nostra necessitate pre manibus persoluta : Tenendas et habendas totas et integras predictas quatuor bouatas terrarum, cum pertinenciis, prefato Dauid, heredibus suis et assignatis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in moris, marresiis, aquis, stagnis, riuolis, culturis, viis, semitis, planis, pratis, pascuis et pasturis, molendinis, multuris, turbariis, petariis, carbonariis, siluis et virgultis, aucupacionibus, venacionibus, et piscacionibus, tam in proprietate quam in communi, et cum omnibus aliis et singulis libertatibus, commodlitatibus, et asiamentis ac iustis suis pertinenciis quibuscunque, tam subtus terra quam supra terram, tam non nominatis quam nominatis, ad dictas quatuor bouatas terrarum cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum ; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut alique terre infra regnum Scocie alicui dantur uel conceduntur : Reddendo inde annuatim predictus Dauid, heredes sui et assignati, nobis et heredibus nostris, vnum denarium vsualis monete Scocie in festo Pentecostes apud dictas terras nomine albe firme, si petatur tantum, pro omni alio seruicio seculari, exaccione, iuramento fidelitatis vel demanda que de dictis quatuor bouatis terrarum cum pertinenciis exigi poterunt quouismodo vel requiri : Et nos vero prefatus Andreas, Patricius et Andreas et heredes nostri, totas et integras dictas quatuor bouatas terrarum de Inchmartyn cum pertinenciis prefato Dauid, heredibus suis et assignatis, in omnibus et per omnia, vt prescriptum est, contra omnes homines et feminas varantizabimus, acquietabimus et in perpetuum defendemus : In cuius rei testimonium sigilla nostra presenti carte nostre sunt appensa, apud Rossy in Govry, primo die mensis Maii anno Domini millesimo quadringentesimo sexagesimo primo.

46. LETTERS OF REVERSION by SIR JOHN WEMYSS of that Ilk, to SIR ANDREW OGILVIE of Inchmartin, of six merks worth of land in the Westertown of Inchmartin. 12th May 1461.

BE it made kend till all men be thir present lettres me, Johne of Vemys of that ilk, knycht, to be obliste, and lelaly and treuly to be bundyn till ane honorabill man, Schir Andro of Ogilby of Inchmartyne, knycht, and to my lufit cusyng, Dauid Ogilby, sone and apperande ayr to the saide Schir Androw, that nocht wythtstandyng that I haff of the saide Dauid, wyth full consent and assent of the saide Schir Androw, be playne charter, heritabily sex markis worth of land wythtin the Vestyrtovne of Inchmartyne, neuertheless my vill is, and for me and myn ayris oblis vs be the fayth of our bodyis and as is before vryttyn, that qwhen euer the saide Schir Andro or Dauid, thair ayeris or thair assignais, ma or ane togidder and at anys apon a day in paris kyrk of Perth, apon the he altar of that ilk, payis and contentis to me, or myn ayeris or myne assignais, the sovme of fyve scor of markis and fyve mark of gude and vsuell mone of Scotland, than furthwyth and incontinent but delay, I the said Johne, myne ayeris or myn assignais sall frely resyng and vpgiff to the saide Schir Andro or Dauid, thair ayeris or assignais the saide mone, payand the forsaid sex markis worth of land, wyth all charter or evident that we haff tharof, togider wyth all rycht or clame that we haff, had or may haff to the said land for euermare; and giff it happynnis me, myn ayeris or myn assignais, as God forbede it do, purposly, fraudefully or reklasly to absent ws fra the resayte of the sovme, we beand or ony of ws the said landis brukand warnyt fourty dayis before, other in proper persoun or at our duellyng place for that tyme, we grant, and for ws and our ayeris fullaly consentis, that the said Schir Andro or Dauid, or ony in thair name, the said mone profferand, put the saide mone in the commoun purse of Perth, and thar till our oyse to be kepit and fra thinefurth thai to haff full regresse to the said sex markis wortht of land in all thyng, and as it had bene be ws resignit, and ve to be dischargit tharof for euer; the qwhilk all and syndry condicionis to kepe lelaly and treuly we haff gevyn the lelaly ath, all fraude and gyle avay put and vterly excludit; In vytnese of the qwhilk thyng I haf set to my sele at Perth the tuelfe day of Maii the yer of God I^m four hundreth sexti and a yere before thir vytnes.

47. TRANSUMPT OF OBLIGATION and BOND OF MANRENT by WALTER OF TULCH to SIR ANDREW OGILVIE of Inchmartin, 16th April 1461. Transumpt dated 28th June 1461.

IN Dei nomine amen: Anno incarnacionis Dominice millesimo quadringentesimo sexagesimo primo, mensis vero Junii die vicesimo octauo, indictione nona, pontificatus sanctissimi in Christo patris et domini nostri domini Pii, diuina prouidentia Pape secundi, anno tertio; in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, dominus Andreas de Ogilby de Inchmartyne, miles, quandam literam obligatoriam siue contractoriam inter ipsum et Valterum de Tulche factam, in pergamino scriptam, sigillo dicti Valteri vna cum sigillo honorabilis viri, Patricii Bruse, coram me, notario publico, et testibus infrascriptis cum instancia procurato, alba cera rubea impressa sigillatam, sanam, integram, perlegendam, copiandam et transsumendam mihi, notario publico presentauit, cuiusquidem litere tenor talis est et sequitur, sub hac forma:—BE IT KEND till all men be thir present lettres me, Vat of Tulche, sone and ayr of vmqwhile Vat of Tulche of that ilk, to be cummyn man till ane honorabill man and my derast maister, Schir Andro of Ogilby of Inchmartyn, knycht, and falzeand of hym to Dauy of Ogilby, his sone, of speciale retenew, in vere and in pese, agaynnis all dedely persounis, myne allegiance to the kyng allanerly outane, for all the dayis of my lyfe; and for sa mekill as the saide Schir Andro has dischargit me of certane condiciounis made be my forsaid fader till hym, and specialy of the sellyng of his rycht of the landis of the Quyltis, the qwhilkis suld be myn heritage, and of all vther condiciounis contenyt in certane indenturis tharapon made, I haff dischargit hym, and be thir present lettres in lyke maner dischargis hym and his ayeris of all condiciounis made be hym to my forsaide fader, and as is contenyt in the said indenturis; and for sa mekill as my said maister payit for my fader for the malis of the Portartoun certane sovmis of siluer, as is contenyt in the quyteclemys of Gilbert Menzeis tharof made, and spendit of his gudis in defens of myne heritage, and has sustenyt me and gevyn me my liffyng this xiii yer bygane, I graunt me to be obliste, and be thir present lettres oblis me be the faytht of my body that I sall mary in ony greabill place be the avyse of my saide master, and at I sall nocht in ony tyme to cum sell, na vedset, na mak na kynde of alienacioun of the fe and heritage at I am born to wythout his consale askit and optenyt, and at I sall pay and fullaly assytht to the saide my master, his ayeris or his assignais, four score of pundis of vsuell mone of Scotland of the redyast profyte at I may be promofit to other of mariage or of myne heritage fra I be enterit tharin for the chargis at he has sustenyt for my fader and me, as

is befor vryttyn, and at his vill and how sone and at how schort termys at he, or falzeand of hym, his ayeris or assignais, thynkis at I may do it, and in lyke maner it at he spendis on me in tyme to cum on my persoun and my vphald, or for me in defens of myne heritage or recoueryng of it: And all thir condiciounis befor vryttyn lelaly and treuly to kepe and fullfill I graunt me oblist, and lelaly and treuly oblis me and myn ayeris, executouris and myn assignais, and all our gudis, movabill and vnmovabill, be the straytast style of obligacioun, and be the faythtis of our body, all fraude and gyle away put and vterly excludit; in vytnes herof I haff set to my sele at Perth the xvi day of Aprile, the yer of God i^{m} four hundretht sexty and a yer, and for the mare vytnes I haff procurit the sele of Patrik the Bruse wytht instans to be to put; befor thir vitnes, vicar of Kynspyndy, Johne Scot of Fyngask, and Johne, his sone, Schir Johne Symsoun, Robert Noroway, Schir Johne Hude et Schir Jamys Flemyng, public notaris, wyth vther syndry: Post cuius quidem litere lecturam, inspecturam et diligentem examinaturam, dictus dominus Andreas per me, notarium publicum, sibi fieri peciit publicum instrumentum siue transsumptum vt ipsi transumpto fides adhibeatur futuris temporibus sicut originalibus: Acta fuerunt hec apud ecclesiam de Kynspyndy hora quasi quarta post meridiem, vel eo circa, sub anno, die, mense, indiccione et pontificatu quibus supra; presentibus ibidem omnibus prescriptis testibus qui in procuratione sigilli Patricii Bruse fuerunt presentes et requisiti ad premissa vocatis specialiter et rogatis.

Et ego Johannes Hude, presbyter Sanctiandree dyocesis, publicus auctoritate imperiali notarius, premissis [*etc., in forma communi*].

Et ego Jacobus Flemyng, presbyter Sanctiandree dyocesis, publicus auctoritate imperiali notarius, premissis [*etc., in forma communi*].

48. Obligation by Sir John Wemyss of Wemyss to David Ogilvie of Inchmartin, in reference to an exchange of lands. 26th March 1462.

Be it kend till all men be thir present lettres me, Johne of Vemys of that ilk, knycht, to be straytly oblist and bundyn, and be thir present lettres oblis and byndis me, myne ayeris and assignais, till ane honorabill man and my vele belufit cusyng, Dauid of Ogilby of Inchmartyne, his ayeris and assignais, that for als mekill as I and the said Dauid has cosyt certane landis, as in our evidentis thar vpon made is fullaly contenyt, nochtgaynstandyng that giff Dauid Boswellis part of the landis of the Drone happynnis to be recouerit agayne lauchfully fra me that the hale cose made betuyx ws tharfor sall nocht brek, bot I sall regress till his

landis of Ballmulto tharefore wythtin thre moneth efter that thai be lauchfully recouerit, and giff the landis of the Drone be better than the landis of Ballmulto, or giff at the landis of Ballmulto be better than the landis of the Drone, at the sycht of frendis chosyn wytht batht our consentis, ather of ws haffande the better sall recompens agayne to the tother als fer as the tane has the better than the tother, and for his chemys of Ballmulto I giffand tharefore as it ves prysit to Dauid Boswele or prysit agayn be the sycht of frendis chosyn wytht bath our consentis; and at all thir condicionis and empoyntmentis lelaly and treuly to kepe, I the said Johne of Vemys, knycht, has gevyn gude faytht, the haly wangelis twychit, and in mare vitnessyng hereof my sele is to pensyt to thir present lettres, at Perth, the xxvi day of the moneth of Marche, the yhere of God a thousand four hundreth sexty and tua yhere.

49. LICENCE by King JAMES THE THIRD to WILLIAM SCOTT of Balwearie, to build a castle on his lands of Balwearie. 23d February 1463-4.

JACOBUS, Dei gratia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem: Sciatis quod concessimus et tenore presentium concedimus dilecto nostro Willelmo Scot de Balwery et heredibus suis plenam et liberam facultatem et nostram licenciam specialem castrum siue fortalicium in terris suis de Balwery iacentibus infra vicecomitatum nostrum de Fiff construendi, ac ipsum castrum siue fortalicium muris et fossis fortificandi et circumcingendi, portisque ferreis firmandi ac muniendi, et in altum erigendi, et in summitate eiusdem ornamentis defensiuis cum le machcoling preparandi et ornandi, ceteraque faciendi que ad perfectionem dicti castri necessaria seu conueniencia fuerint; cum potestate etiam constabularios, janitores, carcerum custodes et alios officiarios in dicto castro imponendi et constituendi: Datas sub nostro secreto sigillo apud Edinburgh, vicesimo tertio die mensis Februarii anno Domini millesimo quadringentesimo sexagesimo tercio et regni nostri quarto.

50. RETOUR of the service of AGNES MELVILLE as heir of her father THOMAS MELVILLE of that ilk, in the lands of Melville. 23d April 1471.

HEC Inquisicio facta apud Edinburgh coram honorabili viro, Alexandro Creichtoun, vicecomite deputato de Edinburgh, vicesimo tercio die mensis Aprilis, anno Domini millesimo quadringentesimo septuagesimo primo, per hos subscriptos, videlicet, Johannem Sandelandis de Caldore, militem. Johannem Forestar, Willel-

mum Hog de Keith, Alexandrum Malvyne, Andream Wardlaw de Berntoun, Alexandrum Naper de Wrichtishous, Petrum Dalzel de Carlowry, Willelmum Mowbray de Cambo, Johannem Stewart de Lany, Johannem Malvyne, Jacobum de Johnnestoun, Edwardum Sinclere, Robertum Dowglas de Halderstoun, Andream Merchamistoun, Alexandrum Frog, Johannem Lowranstoun de eodem, et Johannem de Abirnethy: Qui jurati dicunt quod quondam Thomas Malvile de eodem, pater Agnetis Malvile, latricis presencium, obiit vltimo vestitus et sasitus vt de feodo ad pacem et fidem supremi domini nostri Regis de omnibus et singulis terris baronie de Malvile cum pertinenciis, iacentibus infra dictum vicecomitatum; et quod dicta Agnes est legittima et propinquior heres eiusdem quondam Thome, patris sui, de dictis terris cum pertinenciis; Et quod est legittime etatis; et quod dicte terre baronie de Malvile cum pertinenciis valent nunc per annum centum mercas vsualis monete Scocie, et tantum valuerunt tempore pacis; et quod tenentur in capite de dicto supremo domino nostro rege per wardam et reliuium et communem sectam in curiis dicti vicecomitatus; et[1] quod dicte terre nunc sunt in manibus dicti domini nostri regis racione warde, per mortem dicti quondam Thome qui obiit per spacium tresdecim annorum vel eocirca, quia tunc obiit dictus Thomas. In cuius rei testimonium sigillum dicti vicecomitis deputati, vnacum sigillis quorundam eorum qui dicte inquisitioni intererant faciende presenti retornacioni cum breui capelle intus clauso, est affixum, anno, mense, die et loco suprascriptis.

51. CHARTER by HENRY, Abbot of Dunfermline, to WILLIAM MELVILLE of Raith, of the lands of Raith. 26th May 1474.

OMNIBUS hanc cartam visuris uel audituris, Henricus permissione divina abbas monasterii de Dunfermlyne, et eiusdem loci conuentus, salutem in Domino sempiternam: Nouerit vniuersitas vestra nos vnamini consensu et assensu tocius capituli nostri dedisse, concessisse et hac presenti carta nostra confirmasse honorabili viro, Willelmo Malvyne de Rath, pro suo homagio et seruicio nobis et monasterio nostro impensis et impendendis, omnes et singulas terras nostras de Rath cum pertinenciis, jacentes infra regalitatem nostram de Dunfermlyne et vicecomitatum de Fyf: Que quidem terre de Rath cum pertinenciis fuerunt dicti Willelmi hereditarie, et quas

[1] This retour is made in duplicate, both being nearly identical, except in the last clause of the copy not printed, which runs thus: "et quod dicte terre cum pertinencis nunc sunt in manibus dicti domini nostri regis legittime per se ipsum per mortem dicti quondam Thome patris, et in defectum veri heredis huc usque jus suum minime prosequentis, qui obiit per spacium tresdecim annorum vel eocirca. In cuius," etc.

dictus Willelmus, non vi aut metu ductus, nec errore lapsus, sed sua mera pura et spontanea voluntate, nobis et monasterio nostro coram testibus in capitulo nostro per fustem et baculum sursum reddidit pureque et simpliciter resignauit, ac totum jus et clameum, proprietatem et possessionem que in dictis terris cum pertinenciis habet, habuit seu quouismodo habere poterit, pro se et heredibus suis omnino quietum clamauit imperpetuum: Tenendas et habendas omnes et singulas prenominatas terras de Rath cum pertinenciis prefato Willelmo [et] heredibus suis de nobis, monasterio nostro et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas antiquas et diuisas suas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, pratis, pascuis et pasturis, viis, semitis, siluis, acquis, stangnis, riuolis et lacubus, petariis, turbariis, columbariis, carbonariis, lapide et calce, cum molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, cum piscariis et cuniculariis, cum curiis et curiarum exitibus, herezeldis, merchetis mulierum, cum communi pastura et libero introitu et exitu, ac cum omnibus aliis et singulis commoditatibus, libertatibus et asiamentis ac iustis suis pertinenciis quibuscumque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam procul quam prope, ad predictas terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum; adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut aliquis tenens infra regalitatem nostram aliquas terras de nobis et monasterio nostro in warda et releuio tenet seu possidet, sine retinemento vel reuocatione aliquali: Reddendo inde annuatim dictus Willelmus et heredes sui nobis, monasterio nostro et successoribus nostris, quinque libras vsualis monete regni Scocie annualis redditus ad duos anni terminos, videlicet, ad festum Penthecostes et sancti Martini in hyeme, per equales porciones, cum warda et releuio; et faciendo inde forinsecum seruicium cum tribus sectis curie ad nostras tres curias capitales apud Dunfermlyne cum aliis seruiciis inde debitis et consuetis; ita tamen quod nec dictus Willelmus nec sui heredes quibuscunque temporibus futuris aliquem vel aliquos commorantem vel commorantes in terris propriis sancte Margarete de iure pertinentibus ad suum molendinum in granis molendis scienter per se vel suos seruitores recipere presumat; eciam quod nec dictus Willelmus Malvyne nec sui heredes aliquod molendinum ad grana molenda edificare faciant, nisi in terra de Petconmark; et si contingat dictum Willelmum Malvyne aut suos heredes contrarium dictorum in aliquo facere quibuscumque temporibus futuris, licitum sit nobis et nostris successoribus dictum molendinum cum multuris eiusdem ad nostram voluntatem a dicto Willelmo et suis heredibus resumere et recognoscere ac ad nostrum vsum libere applicare: In cuius rei testimonium sigillum commune capituli nostri presentibus est appensum, apud monasterium nostrum de Dunfermlyne antedic-

tum, vicesimo sexto die mensis Maii anno Domini millesimo quadringentesimo septuagesimo quarto.[1]

52. RATIFICATION by ELIZABETH SIBBALD of resignation of the barony of Balgony to ANDREW LUNDY, her son. 5th March 1482-3.

IN nomine Domini amen: Per hoc presens publicum instrumentum cunctis pateat et sit notum quod anno incarnacionis Dominice millesimo quadringentesimo octuagesimo secundo, mensis Marcii die quinta, indictione prima, pontificatus sanctissimi in Christo patris et domini nostri domini Sixti, diuina prouidencia Pape quarti, anno eius duodecimo; in presencia reuerendi patris, Willelmi, electi confirmati Rossensis, commissarii generalis reuerendissimi patris, Willelmi, Sanctiandree archiepiscopi, ac officialis eiusdem infra partes Laudonie, meique notarii publici et testium subscriptorum ad hoc vocatorum pariter et rogatorum, personaliter constituta Elizabeth Sibbald, non vi aut metu ducta, nec errore lapsa, ymmo sua mera, pura, libera et spontanea voluntate, matura mente et deliberato proposito animi sui, corporale suum et magnum sacris tactis euuangeliis prestitit juramentum, quod in consensu et assensu resignacionis omnium et singularum terrarum baronie de Balgony cum pertinenciis, jacencium infra vicecomitatum de Fiffe, cum tenandiis et tenandriis et libere tenencium seruiciis, in manibus supremi domini nostri regis, Jacobi tercii, eiusdem baronie domini superioris, fiende, in fauorem Andree Lundy, sui filii, non interueniebat aliqua violencia, nec fuerat ipsa Elizabeth quoquomodo vi, metu, dolo, terrore aut cuiuscunque timore coacta, compulsa seu instigata, aut dolis, fraudibus aut sinistris et iniquis deceptionibus circumuenta, sed pure ac motu proprio, fauore et amore dicti sui filii prefate resignacioni pure et simplici consensus suus et assensus absque omni dissimulacione processit, et se ad eandem resignationem fiendam animo non variando juxta tenorem procuratorii desuper facti volentem prebuit atque gratam obtulit inuiolabiliter pro perpetuo seruaturam; nec inantea quouis pacto, colore aut modo, in iudicio nec extra, directe vel indirecte, publice aut priuate, huiusmodi sui consensus et assensus in contrarium deuenire

[1] The following writs relate to the above Charter:—

1. Precept of sasine for infefting William Melville in terms of the charter, dated 26th May 1474.

2. Instrument of sasine following upon the precept, dated 26th May 1474. One of the witnesses is Alexander Erskine, son and heir of the lord of Erskine.

3. Certificate, in the vernacular, by Alexander Boys, burgess of Kirkcaldy, and bailie to Henry, abbot of Dunfermline, that he had given sasine to William Melville of the lands of Raith, Pitconner, and Turbane, dated 20th July 1477. Among the witnesses are David Berclay of the Touch, whose seal is appended, and James of Balfour.

aut aliquid contra eosdem temerarie attemptare: De et super quibus omnibus et singulis a me, notario publico subscripto, prouidus vir, Alexander Cowttis, sibi fieri peciit vnum seu plura publicum instrumentum seu instrumenta, cum sigillo dicti reuerendi patris officii roboraturum seu roboratura: Acta fuerunt hec in domo habitacionis dicti reuerendi patris infra villam de Edinburgh circa horam secundam post prandium, sub anno, die, mense, indictione et pontificatu quibus supra; presentibus ibidem, Alexandro Inglis, Sanctiandree archidiacono, Thoma Mowbray [Mowtray] de Markinche, Georgeo Kirkcaldy de le Grange, Laurencio Ramsay, Roberto Arnot, Thoma Gourlaw et Johanne Wilsoun, notario, testibus ad premissa vocatis et rogatis.

Et ego Robertus Wellis, clericus Sanctiandree diocesis, publicus sacris imperiali et regali auctoritatibus notarius, quia premissis [*etc., in forma communi*].

53. RESIGNATION by WILLIAM MELVILLE of Raith, to JOHN MELVILLE, his eldest son and heir, of the franktenement of all his lands and goods. 20th May 1491.

IN Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quadringentesimo nonagesimo primo, mensis Maii die vero vicesimo, et eiusdem diei hora quasi tercia post meridiem, indiccione nona, pontificatus sanctissimi in Christo patris ac domini nostri domini Innocencii, diuina prouidencia Pape octaui, anno septimo; in mei, notarii publici, et testium subscriptorum presencia personaliter constitutus honorabilis vir, Willelmus Mailwile de Raitht, non vi aut metu ductus nec errore lapsus aut dolo circumuentus, sed ex sua certa scientia et spontanea voluntate, diuersis racionibus et causis animum suum mouentibus, liberum tenementum omnium et singularum terrarum suarum de Raitht, Pitconmerc, Turbane, Pytscotty, Dwray et Fedinch, cum vniuersis suis pertinenciis, necnon liberum tenementum omnium suorum annuorum reddituum terrarum de Strathenry et burgorum de Disert et Kirkcaldy, cum suis pertinenciis, vna cum omnibus et singulis suis bonis mobilibus quibuscunque, honorabili eciam et circumspecto viro, videlicet, Johanni Mailwile, filio suo primogenito et apparenti heredi, extradedit, contulit ac libere deliberauit per straminis tradicionem, in signum realis et corporalis possessionis earundem terrarum, bonorum mobilium et annuorum reddituum, absque reuocacione, questione aut contradictione aliquali in futuro; ac eciam predictus Vilelmus, sponte ac libere, melioribus via, modo et forma quibus potuit, fecit, constituit et ordinauit eundem Johannem Mailwile, suum verum certum et legitimum assignatum in et ad assedaciones omnium et singularum terrarum de Ester Balbertane et

molendini, cum suis pertinenciis, necnon ad assedaciones terrarum de Powgulde et Dundownalde cum suis pertinenciis, vna cum omni iure ac iuris titulo quibus ipse Willelmus habet, habuit seu habere poterit pro omnibus diebus vite sue: Deinde prefatus Willelmus, mediante suo iuramento, declarauit et alta ac intelligibili voce exposuit quod nunequam fecit nec facere ordinauit aliquas cartas seu euidencias aliquibus personis de quibuscunque terris supradictis, dicto suo filio primogenito tantum modo excepto, et si que carte seu euidencie desuper confecte erant, quod ipse inde inscius erat, nec easdem fecit neque cognouit: Insuper prefatus Willelmus fide media obligauit se ad defendendum, fortificandum et suplendum dictum Johannem Mailwile in omnibus suis accionibus, questionibus, causis et querelis, pro omnibus diebus vite sue, et signanter penes defensionem sue persone et hereditatis: De et super quibus omnibus et singulis premissis prefatus Johannes Mailuile a me, notario publico subscripto, sibi fieri peciit vnum seu plura, publicum seu publica, instrumentum seu instrumenta, tot quot fuerint necessaria seu eciam oportuna: Acta erant hec in ecclesia parrochiali de Kyrkcaldy, sub anno, mense, die, hora, indiccione et pontificatu quibus supra; presentibus ibidem honorabilibus et circumspectis viris, videlicet, Dauid Boiswel de Glasmont, Dauid Mailuile de Toulch, Jacobo Mailuile et Alexandro Mailuile, burgensibus de Kyrkcaldy, Georgio Boiswel de Cragside, Dauid Berkclay de Toulch, Thoma Kyngorne, burgensi eiusdem, Thoma Bell, Jacobo Lawthrosk, Andrea Boiswell, Dauid Bonare et Duncano Kyngorne, cum multis testibus ad premissa vocatis specialiter et rogatis.

Et ego, Alexander Turnbull, presbiter Sanctiandree diocesis, publicus auctoritatibus imperiali et regali notarius, premissis [*etc., in forma communi*].

54. CONTRACT OF MARRIAGE between JOHN GOURLAY, younger of Lamlethin, and ELSPETH, daughter of William Melville of Raith. 28th February 1497-8.

THIR Endentouris maid at Kyrkcaldy the penult day of the moneth of Februer, the yer of God I^m^ iii[i]^c^ nynthy and sevin yeris, it is apountit and fullelie accordit betuix honorabill personis vnder vrytyn, that is to say, Vilzam Malvin of the Raytht, Effem of Lundy, his spows, and Vilzam Malvin, thar soune, on the ta part, and Johne Gowrlay, elder of Lamlethin, on the toder part, in maner, forme, and effec as efter folowis, that is to say, that Johne Gowrlay, soune to the said Johne Gowrlay, elder, sall mary, God willand, and hawe to wyff Elspat Malvin, dochter to the said Vilzam Malvin of the Raytht, als sowne as the law of haly kyrk leffis thaim tharto, and tharfor the said Vilzam Malvin, Effem, and Vilzam, thar soune, thar

aris, executouris and assignais, sal content and paye to the said Johne Gowrlay, elder, the sowme of twa hundreth markis of gud and vswall monye of Scotland, that is to say, forthy markis at the completing of the mariage, and awchen markis yerly thareffter folowand, aye and quhyll the said sowme of twa hundreth markis be fullelie content and payit to the said Johne Gowrlay, hys aris, executouris and assignais; and for the securite of the forsaid twa hundreth markis the saidis Vilzam, Effem, and Vilzam, sal mak a letter of assedacioune and takkis of all and haill the landis off Fedynch to the saidis Johne Gowrlay and Elspat, his spows, and to the langast leuer of thaim, and to thar subtennentis in the sekyrest vyse and forme at can be maid, bwt inconuenie[nte], for all the termes of threttene yeris, the said Johne Gowrlay, younger, and Elspat, his spows, and thare subtennentis, payand yerly tharefor sax and threthy markis to the said Vilzam, Effem, Vilzam, and thar aris, executouris and assignais for al other d[o] seruice. And atoure the said Johne Gowrlay, younger, his spows Elspat, and subtenentis yerly to be dischargit of awchene markis of the said sowme of sax and threthy markis aye and quhyll the said sowme of twa hundreth markis be fullelie content and payt to the said Johne Gowrlay, elder, the said Vilzam Malvin of the Rayth, and Effem, his spows, sal honestly sustene in meet and claytht the said Elspat, aye and quhyll at thai haff gottyn a crop of the yerd of the said tak of Fedynch; the entre forsowth of the said Johne Gowrlay, younger, and Elspat, his spows, and subtennentis, sal be at the nyxt Vitsonday efter the dait of this present vryt. The said Johne Gowrlay, younger, sal fynd securite at the rasing of his lettre of takkis and assedatioune of Fedynch forsaid for the paiment of the malis in the sykyrest forme at can be deuisit and maid, but inconueniente, to the said Vilzam, Effem, and Vilzam, thare aris, executouris, and assignais; and alswa the said Johne Gowrlay, elder, sal infeft with chartyr and possessioune al and haill his landis of Cargowre to the said Johne Gowrlay, younger, and Elspet, his spows, in fee and herytage, and the aris gottyne betuix thaim; and gyf thare be ony caws of diuersioune fundyne efterwart be sanguinite or affinite the said Johne Gowrlay, yowngare, sal mak the expensis for a dispensatioune within yer and day vnder the payne of twa hundreth markis to be payit to the said Elspat, hyr aris or assignais: And at all thir puntment and condiciones befor vrytyn be fullelie obseruit and kepit ather of thir parteis bindis thaim, thar aris, executouris, and assignais, the haly ewangelis twychit; and for the mare securite the part remanand with the said Johne Gowrlay, elder, the said Vilzam Malwin of the Raytht has affixit to his seill, and for the said Effem, be caws scho had na seill proper of hyr awyn, scho has procuryt with instance the seill of a honorabill man James Malwin, burges of Kyrkcaldy, the part remanand with the said Vilzam and Effem the said Johne Gowrlay has effixit to his seill,

befor thir vitnes, Johne Olefant of Kyelle, Dauid Berclay of Thowch, Master Alexander Malvin, Dauid Olefant, and Va[l]ter Blare, with other diuers, day, yere, and place befor expremyt.

55. RETOUR of JOHN MELVILLE to his father, JOHN MELVILLE of Raith, in the lands of Raith, Pitconmark, and Torbane. 29th October 1502.

HEC inquisitio facta fuit apud Dunfermling in pretorio burgi eiusdem, coram honorabili viro, Dauid Cowper, balliuo regalitatis de Dunfermling, per commissionem reuerendissimi in Christo patris, Jacobi, miseracione diuina archiepiscopi Sanctiandree ac commendatarii de Dunfermling et conventus eiusdem specialiter constituto, vigesimo nono die mensis Octobris anno Domini millesimo quingentesimo secundo, per hos subscriptos, videlicet, Jacobum Orrok, Dauid Orrok de Sillebabee, Thomam Boiswell in Pitlochquhy, Johannem Aytoun, Thomam Boiswell in Fynmonth, Henricum Boithwell, Thomam Boiswell in Stentoun, Johannem Broun, Johannem Walwod in Touch, Johannem Dewar, Laurentium Dalglesche, Georgium Phlemyng, Richardum Burne, Andream Lochquhoir, Dauid Boiswell, Thomam Kellok, Henricum Meluile, Jacobum Kynninmonth et Henricum Lyndesay: Qui jurati dicunt quod quondam Johannes Meluile de Raith, pater Johannis Meluile, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo ad pacem et fidem supremi domini nostri regis de omnibus et singulis terris de Raith, Pitconmark et Torbane, cum suis pertinenciis, jacentibus in regalitate de Dunfermling et infra vicecomitatum de Fiffe; et quod dictus Johannes, lator presentium, est legittimus et propinquior heres dicti quondam Johannis, patris sui, de dictis terris cum pertinenciis; et quod est legittime etatis; et quod dicte terre de Raith, Pitconmark et Torbane, cum suis pertinenciis, nunc valent per annum centum libras, et valuerunt tempore pacis quinque libras; et quod dicte terre cum pertinenciis tenentur in capite de reuerendissimo in Christo patre, Jacobo, miseracione diuina archiepiscopo Sanctiandree, commendatario de Dunfermling, et eiusdem loci conventu, per seruitium varde et releuii, et reddendo inde annuatim vnum annuum redditum quinque librarum prefato reuerendissimo patri, commendatario de Dunfermling, et conventu[i] eiusdem et eorum successoribus; et quod dicte terre nunc existunt in manibus dictorum reuerendissimi patris commendatarii de Dunfermling et eiusdem loci conventus, tanquam in manibus superioris eiusdem, per mortem dicti quondam Johannis, ratione varde, sasina non recuperata, per spacium nouem annorum aut eocirca: In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende sunt appensa, vnacum sigillo dicti balliui hanc retornationem claudentis in signum

executionis sui officii vt moris est similiter appenso, die, anno et loco suprascriptis. Extractum de litera retornationis terrarum de Raith, Pitconmark et Torbane, apud capellam regalitatis de Dunfermling remanenti, per me, Jacobum Kingorne, clericum dicti regalitatis, custodem eiusdem, sub meis signo et subscriptione manualibus. J. KINGORNE.

56. PRECEPT OF SASINE by Sir JOHN WEMYSS of Wemyss, for infefting JOHN MELVILLE of Raith, his son-in-law, in a portion of Methil in warrandice of Wester Raith. 28th July 1503.

JOHANNES WEMYS de eodem, miles, dilectis meis, Willelmo Mailwyn, Roberto Mailwyn, Thome Mailwyn, et Willelmo Schewes, coniunctim et divisim, ballivis meis in hac parte specialiter constitutis, salutem: Quia dedi et concessi hereditarie dilectis meis Johanni Mailwyn de Raith, meo filio in lege, et Margarete, sponse sue et eorum alteri diucius viuenti in coniuncta infeodacione, totas et integras duodecem marcatas terrarum mearum de Methill cum pertinenciis, jacentium in regalitate Sancti Andree et infra vicecomitatum de Fyff, in specialem varantum terrarum de Wester Rath cum pertinenciis, jacentium in baronia de Lochquhoreschire et infra vicecomitatum predictum de Fyff, per me hereditarie alienatarum, prout in carta mea eisdem Johanni et Margarete, sponse sue, desuper confecta plenius continetur; vobis igitur et vestrum cuilibet coniunctim et diuisim, ballivis meis antedictis, firmiter precipio et mando quatenus, visis presentibus, indilate statum, saisinam ac possessionem hereditariam, realem, corporalem et actualem predictarum duodecim mercatarum terrarum predictarum de Methill cum pertinenciis dictis Johanni Mailwyn et Margarete, sponse sue, vel suis certis actornatisve procuratoribus, latoribus presencium, in specialem varantum dictarum terrarum de Wester Rath, ut supra, per terre et lapidis traditionem, ut moris est, tradatis et conferatis, seu alter vestrum tradat et conferat, secundum formam et tenorem carte mee eisdem desuper confecte; saluo tamen jure cuiuslibet; Et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim, ballivis meis antedictis, meam plenariam et irreuocabilem tenore presencium committo potestatem: In cuius rei testimonium sigillum meum proprium presentibus est appensum, apud Edinburgh vicesimo octauo die mensis Julii anno Domini millesimo quingentesimo tertio, coram hiis testibus, Gawino Wemys, Roberto Mailwyn, Johanne Byris, dominis Alexandro Turnbull et Thoma Fleming, capellanis, cum aliis diuersis.

57. DISCHARGE by EUPHAME LUNDY, relict of William Melville of Raith, to Sir JOHN MELVILLE of Raith, for her terce, with lease by her to him of Fedinch. 20th April 1506.

IN DEI nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnationis Dominice millesimo quinquagesimo sexto, die vero mensis Aprilis vicesimo, indictione nona, pontificatus sanctissimi domini nostri domini Julii, diuina prouidencia pape secundi, anno secundo; in mei notarii publici et testium subscriptorum presentia personaliter constituta Eufamia Lundy, relicta quondam Willelmi Mailwyll de Raitht, exonerauit et quieteclamauit honorabilem virum, dominum Johannem Mailvyll, militem, de Raitht, de sua tercia terrarum eorundem de Raitht annuatim de summa viginti mercarum vsualis monete regni Scocie per dictam Eufamiam de dictis terris ad datam presentis instrumenti percipiendarum, prout tenore presentis instrumenti dicta Eufamia dictum dominum Johannem et suos heredes a solutione dicte summe viginti mercarum de sua tercia dictarum terrarum de Raitht exonerat et quieteclamat imperpetuum: Et insuper assedauit et ad firmam dimisit dicta Eufamia prefato domino Johanni et heredibus suis terras de Fedeinche cum pertinenciis pro spacio quinque annorum [post] festum Penthecostes immediate sequens exitum terminorum Johannis Gourlaw de eisdem, dictus dominus Johannes et sui heredes soluendo firmam debitam et assuetam: Propter quasquidem exonerationem, quieteclameum et assedationem, dictus dominus Johannes, miles, obligatur causare Jonetam Bonar exonerare et quieteclamare imperpetuum dictam Eufamiam, Dauid Mailvill, Andream Mailvil, dicte Eufamie filios, de vniuersis et singulis bonis, mobilibus et immobilibus, per eosdem captis de domo de Raitht et de terris de Glenestoun tempore quo tenuerunt dictam domum de Raitht: Super quibus omnibus et singulis dictus dominus Johannes a me, notario publico subscripto, sibi fieri petiit hoc presens publicum instrumentum; presentibus ibidem, Thoma Mailvil, Roberto Mailvil, Matheo Cade et domino Willelmo Henrisoun, capellano, testibus ad premissa vocatis et rogatis.

Et ego Robertus Young, artium magister, presbyter Sanctiandree diocesis, publicus auctoritatibus apostolica et imperiali notarius, premissis [*etc. in formâ communi*].

58. PRECEPT by KING JAMES THE FOURTH to the Bailies of Dysart for infefting SIR JOHN MELVILLE of Raith in an annual rent there. 6th August 1507.

JACOBUS, Dei gratia rex Scotorum, dilectis nostris balliuis burgi de Disart, dominis superioribus annui redditus subscripti, salutem: Quia per inquisitionem de mandato nostro per vicecomitem nostrum de Fyff factam et ad capellam nostram retornatam, compertum est quod quondam Willelmus Mailuile de Raith, auus Johannis Mailuile de Raith, militis, latoris presentium, obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem nostram de vno annuo redditu viginti et duorum solidorum vsualis monete regni nostri annuatim percipiendo et leuando de tenementis et terris quondam Alexandri Mailuile et heredum quondam Jacobi Swan, jacentibus in vico ecclesie infra burgum de Disart, velut in litera testimoniali balliuorum eiusdem burgi prefato quondam Willelmo desuper confecta latius continetur; et quod dictus Johannes Mailuile, miles, presentium lator, est legitimus et propinquior heres eiusdem quondam Willelmi, aui sui, de dicto annuo redditu viginti et duorum solidorum; et quod est legitime etatis; et quod de vobis tanquam dominis superioribus eiusdem tenetur in capite; vobis precipimus et mandamus quatenus cum idem Johannes vobis fecerit pro dicto annuo redditu, quod de jure facere tenetur, sibi vel suo certo actornato, latori presentium, sasinam eiusdem juste haberi faciatis, et sine dilatione, saluo jure cuiuslibet; et hoc nullo modo omittatis. Teste me ipso, apud Edinburgh, sexto die mensis Augusti anno regni nostri decimo nono.

59. OBLIGATION by SIR WILLIAM SCOTT of Balwearie to Sir JOHN MELVILLE of Raith. 6th February 1509-10.

I, WILZEAM SCOT of Balweri, knycht, bindis and oblisis me be the faitht and trewith in my body to ane honorabyll man and my trast eyme, Ihone Maluyle of the Raith, knycht, that forsamekill as the said Ihone is bwnd to me in the somme of twa hundreth merkis wswell mone of the realmme, lyik as at mayr lintht is contenit in the said band maid thareapoun, nevyrthelese I will that gyve I falze in my part keping of fauor and kindnes in tym to cum to the said Ihone that the foirsaid obligacioun of twa hundreth merkis be of nayne awaill, forse nor effec, and be me to be discargit and adnullit for evyr: In wytnes of the quhilk thing I have affixit my seill to this obligacioun wytht the subscripcioun of my hand at Edinburght the saxt day of Februer, the yeir off God ane thousand v^{c} and nyn yeris, befoir thir

wytnesis, Dauid Wemis of that ilk, knycht, Ihone Miltra of Merkincht, Wilzeame Brown of Kowstown, Ihone Multra, Alexander Scot of Fingask, Ihone Boner of Rossy, Wilzeam Kyrcaldy of the Grange, wytht wderis diuerse, etc.

WILLIAME SCOTTE off Balwery,
knych, manu propria, etc.

60. CHARTER by SIR JOHN MELVILLE of Raith to GEORGE AIRTH, burgess of Cupar, of Easter Pitscottie. 16th June 1512.

OMNIBUS hanc cartam visuris vel audituris, Johannes Mailwile de Raith, miles, salutem in domino sempiternam: Noueritis me vtilitate et commodo meis ac heredum meorum vndeque preuisis et pensatis, libere concessisse, vendidisse ac titulo vendicionis pure et simpliciter alienasse, et hac presenti carta mea confirmasse; necnon concedere, vendere, alienare et hac presenti carta mea hereditarie confirmare honorabili viro, Georgeo Erthe, burgensi burgi de Cupro, et Jonete, sponse sue, totam et integram quartam partem omnium et singularum terrarum mearum de Petscotty Estir, cum toftis, croftis et pertinenciis, in quibus Johannes Braid tempore confectionis presencium inhabitat, jacentium infra vicecomitatum de Fife, pro quadam certa summa pecunie de auro et argento bone et legalis monete regni Scocie michi in mea cognita necessitate per predictos Georgeum et Jonetam in pecunia numerata premanibus gratanter et integre persoluta, ac in vsum meum totaliter conuersa, de quaquidem summa pecunie teneo me bene contentum ac plenarie persolutum, prefatosque Georgeum et Jonetam, heredes suos, executores et assingnatos, de hujusmodi summa, pro me, heredibus meis, executoribus et assignatis quittclamo et exonero imperpetuum per presentes; Necnon sciatis me dedisse, concessisse et hac presenti carta mea confirmasse, acetiam dare, concedere et hac presenti carta mea confirmare predictis Georgeo et Jonete totam et integram illam octauam partem omnium et singularum terrarum mearum de Turbane, cum toftis, croftis et pertinenciis, in qua die date presencium inhabitat Johannes Spowart, jacentium infra vicecomitatum prescriptum, in securitatem et veram warantizacionem predictarum terrarum de Petscotty per me prius, ut prefertur, sic concessarum et alienatarum; ita quod quando et quociens predicti Georgeus et Joneta, seu eorum diucius viuens, heredes sui vel assingnati, prescriptis terris de Petscotty cum pertinenciis pacifice gaudere non poterint seu poterit juris proprietatis ve possessionis earundem, tum et tociens habebunt seu habebit liberum accessum et ingressum in et ad predictas terras octaue partis de Turbane, cum toftis, croftis et pertinenciis earundem, et eisdem absque vlteriori juris processu pacifice gaudebunt

seu gaudebit semper et quousque predictis terris quarte partis terrarum de Petscotty Eistir, cum toftis, croftis earundem et pertinenciis pacifice gaude[re] poterint ve poterit, omnibus fraude et dolo seclusis: Tenendam et habendam totam et integram prefatam quartam partem omnium et singularum terrarum de Petscotty Eistir, cum toftis, croftis earundem et suis pertinenciis, cum dicta octaua parte omnium et singularum terrarum de Turbane, ac toftis, croftis earundem cum suis pertinenciis, et astrictione earundem in warantum et securitatem dictarum terrarum de Petscotty Eistir cum pertinenciis, casu et euentu suprascriptis, sepefatis Georgeo et Jonete, sponse sue, ac eorum diucius viuenti, in conjuncta infeodacione, et heredibus inter ipsos procreatis seu procreandis, quibus forte deficientibus, heredibus dicti Georgei quibuscunque, de me et heredibus meis in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine, in domibus, edificiis, in moris, maresiis, viis, semitis, aquis, stangnis, riuolis et lacubus, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapicidiis, lingnicidiis, lapide, carbone et calce, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus, virgultis, cuniculis, cunicularis, columbis, columbariis, cum curiis et earum exitibus, herzeldis, eschaetis et mulierum merchaetis, ac cum communi pastura, libero introitu et exitu; necnon cum omnibus et singulis aliis commoditatibus, libertatibus et asiamentis, ac justis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terram quam supra, procull et prope, ad predictas terras de Petscotty Eistir et Turbane cum suis pertinenciis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento, reuocacione aut obstaculo quibuscunque: Reddendo annuatim prefatus Georgeus et Joneta, seu eorum diucius viuens et heredes sui, prenotati, quibus deficientibus, heredes dicti Georgei quicunque, michi et heredibus meis de predicta quarta parte terrarum de Petscotty cum pertinenciis, vnum denarium vsualis monete regni Scocie; necnon de predictis terris de Turbane cum pertinenciis, in warantum et securitatem dictarum terrarum de Petscotty Eistir cum pertinenciis, sic ut premittitur, casu et euentu prescriptis, tractis, astrictis, et concessis, et vnum denarium vsualis monete regni Scocie super solum earundem in festo Penthecostes, nomine albefirme, si petantur tantum, pro omni alio onere, exactione, questione, consuetudine ve demanda seu seruicio seculari que de predictis terris de Petscotty Eistir cum pertinenciis, seu terris prescriptis de Turbane cum pertinenciis, casu et euentu pretactis, per quoscunque juste exigi poterunt ve requiri seu aliqualiter demandari: Et ego vero prefatus Johannes Mailwile, miles, et heredes mei totam et integram prefatam quartam partem

omnium et singularum terrarum de Petscotty Eister cum toftis, croftis earundem et pertinenciis, necnon et dictam octauam partem omnium et singularum terrarum de Turbane cum toftis, croftis earundem et suis pertinenciis, casu et euentu superius expressatis, prescriptis Georgeo et Jonete ac eorum diucius viuenti et heredibus suis supranotatis, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu quibus premittitur, ac a warda, reliuio, tercia, recognicione, nonintroitu et forisfactura seu annuis redditibus aut clameis quibuscunque, contra omnes mortales warantizabimus, acquietabimus et tenore presentium irrevocabiliter pro perpetuo defendemus: In cuius rei testimonium huic presenti carte mee subscriptione mea manuali roborate sigillum meum proprium est appensum, apud burgum de Cupro, sexto decimo die mensis Junij anno Domini millesimo quingentesimo duodecimo, coram hiis testibus, Thoma Butler de Rumgally, Alano Jamisoun, Alexandro Mailwile, Thoma Mailwile, Wilelmo Mailvile, Nicholao Smyth, Wilelmo Smyth, Wilelmo Thomsoun, Waltero Eliotstoun, Dauid Gregor, notario publico et Dauid Gregor suo filio cum diuersis aliis.

JHONE MEILUHLL of the Ratht, knycht, manu propria.

[Seal wanting.]

61. PRECEPT of Clare Constat by JOHN, LORD GLAMIS, in favour of PATRICK OGILVY, son of James Ogilvy of Inchmartin, in half of Wester Balgally. 7th November 1513.

JOHANNES, dominus Glammes, ac dominus superior terrarum occidentalis partis de Balgally, jacentium infra vicecomitatum de Perth, dilectis meis, Dauid Scot, Gilberto Kynman, Andree Ogiluy et Johanni Mortoun, balliuis meis in hac parte coniunctim et diuisim specialiter constitutis, salutem; Quia michi clare constat quod quondam Jacobus Ogiluy de Inchmartein, pater Patricii Ogiluy, latoris presencium, obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supremi domini et cum quondam domino nostro rege apud terras de Northumirland sub eius vexillo in tutamine sue regie persone, de omnibus et singulis terris occidentalis partis de Balgally, cum pertinenciis, jacentibus in baronia mea de Inchsture et infra vicecomitatum de Perth, videlicet, de dimedia parte occidentali dictarum terrarum cum pertinenciis; Et quod dictus Patricius est legittimus et propinquior heres eiusdem quondam Jacobi, patris sui, de dicta dimedia occidentali parte dictarum terrarum cum pertinenciis; Et quod est legittime etatis; Et quod de me tenentur in capite; Vobis igitur precipio et mando quatenus, visis presentibus, sasinam et possessionem hereditariam dicte dimedie occidentalis partis omnium

et singularum prescriptarum terrarum de Balgally, cum suis pertinenciis, dicto Patricio vel suo certo actornato, latori presencium, tradatis, seu alter vestrum secundum tenorem sui infeofamenti requisitus tradat, in debita forma, ut moris est. Et vos balliui qui executionem feceritis in signum huiusmodi possessionis per vos tradite sigillum vestrum in secunda cauda post meum sigillum presentibus debite appendatis: Ad quod faciendum dictis balliuis meis coniunctim et diuisim meam liberam et plenariam potestatem ac mandatum speciale do et committo per presentes: In cuius rei testimonium presentibus sigillum meum proprium est appensum, apud Glammes, septimo die mensis Nouembris anno Domini millesimo quingentesimo decimo tercio. JOHN, LORD GLAMYS.

62. DISCHARGE by ANDREW MELVILLE to his nephew, SIR JOHN MELVILLE of Raith, for £40 Scots. 22d March 1515-6.

I, ANDRO MALVILE, induellar in Leith, and fader brother to Jhone Maluile of the Raith, knycht, grantis me till haue resauit be the handis of the said Jhone Maluile, knycht, the sowme of fourty poundis of gud and vsuale money of the realme, aucht to me be the deliuerans of certane jugis arbitouris for the caussis contenit in ane sentens arbitrale gevin betuix the said Schir Jhone Maluile and me for my clame, rycht, and titill of rycht of a certane sovme of money of yerlie payment of ten markis be the space of xxij yeris last bypast, lykas is contenit in the said sentens arbitrale and summondis maid tharapoun, the quhilk sovme of fourty pundis forsaid I grant me weile content, assithit and payit for me, myn airis, executouris and assignais, and quytclamis and dischargis the said Jhone Maluile of the Rath, knycht, his airis, executouris and assignais, for now and euermair, be this myn acquittans subscriuit with my hand at Edinburgh the xxij daye of Merche, the yer of God j^{m} v^{c} and fyvetene yeris, befor thir witnesis, Willam Forbes of Reress, knycht, George Stewart, burgess of Edinburgh, Thomas Barklay and Willam Ciues, with other diuersa.

ANDRO MALUILE, w^{t} my hand on the pen.

63. DISCHARGE by SIR WILLIAM SCOTT of Balwearie of arrestment upon the corn of SIR JOHN MELVILLE of Raith. 6th March 1516-7.

I, WILLIAM SCOT of Baluery, knych, grantis me to haue releschit and dischargit, and be this writ releschis and dischargis the arest put at my instans apon the corns of Jhone Mailuill of the Raith, knycht, for ane sowme of twa hundreth

merkis, apon the quhilk I heid lettres to distrenze the said Schir Jhon his landis and gudis, and this relesch and dischargis I mak becaus the said Jhon Maling of Raitht, knycht, hes actit hym for the said sowme in certan maner in the officialis bukis of Lowtheane to me as the apontment betuix vs maid tharapon beris in effect. In witnes herof I haue writin and subscriuit this vrit with my hande at Edinburgh the vj day of Merche, the yer of God j^{m} v^{c} and sexten yeris, befor thir witnes, Thome Scot, Jhon Berclay, Maister Andro Arnot, Dauid Scot, Jhon Allirdes, Jhon Vallinch, and vther sindry.

WILLIAME SCOTT off Baluery, knych,
manu propria.

64. BOND OF MANRENT by ROBERT ORROCK, son of James Orrock of that ilk, to SIR JOHN MELVILLE of Raith. 2d January 1519-20.

BE it kende till all men be thir present letteris, me, Robart Orrok, sovne to ane honorable mane, Jamis Orrok of that ilk, byndis and oblisis me, be the fayth in my body to stande for all the dayis of my lyeff trowe mane and serwande to ane honorable mane, Jhone Mailuil of the Raytht, knycht, aganis all owderis, the kingis grace, my lorde gouernour, my lorde of Sanctandrois now present, the abbotis and conwent of Demfermling and forsestouris exceppit, and sall tak his affawlid part witht my persovne, frendis, and serwandis: And atour I sall nocht heyre his schatht dihonour, bot I sall aduertis hyme of the samin, and I sall gyff hyme my consell in all materis to his weill and honour as to my salyf. And gyf this manrent be nocht sufficient, it sall be extendit as the said Jhone, knycht, thenkis expedient, and the said Robart, in the best forme: At the Raytht, subscriuit witht my hand the secund day of Januar, in the yere of God m^{o} v^{c} and xix yeris, before thir witnes, Wellzem Scheuez, Jorge Bawlfowre, Wellzem Mailuill, witht owderis diuers.

ROBART ORROK, sone to wmquhyll James Orrok
of that ilk, w^{t} my hand.

65. BOND OF MANRENT by ALEXANDER ORROCK of Sillybalbie to SIR JOHN MELVILLE of Raith. 9th July 1522.

BE it kend tyll all men be thir present leteris, me, Aillexander Orok of Sylle-balbe, grantis me to be bund and oblist, and be the faitht and treutht in my body leillelle and trewly to be bund and oblyst to ane honorabyll man, Jhone

Meiluill of the Raitht, knycht, that I sall tak his afald and trew part in all his acchounnis and querelis contray all men lewand quhatsumeuir, baitht witht my persone, gudis and frendis, and sall gyf hym the best consell I kane, and sall keip his consell secreit, and salbe reidy quhen I am chargit to tak the saidis Schir Jhonnis part agane all wderis as said is, exceip the kyngis graice, my lord gouernour, and the abbotis of Dumfermlyn, and the Lard of Balmowto, excep; and speischailly to tak the saidis Schir Jhonnis part contray the Lard of Balwere and his bairnis, and this I oblis me to keip this said band, and gyf it be nocht suffecent maid, I am content that the said Schir Jhone mak it sycyrar be the awyce of discreit men: Subscriuit witht my hand, and wnder my seill the ix day of July, the yeir of God ane m° v^c^ xx^ti^ij yeris, befor thir wytness, Maister Dauid Meiluill, the lard of Kardowne, Jhone Aitown.

ALEXR. ORROK, w^t^ my hand
at [the pen].

66. BOND OF MANRENT by DAVID BOSWELL of Glasmont to SIR JOHN MELVILLE of the Raith. 30th August 1522.

BE it kend tyll all men be thir present leteris, me, Dauid Boiswell of Glasmont, byndis and oblis me be the faitht and treutht in my boidy to ane honnorabyll man and my weilbelouit eme Jhonne Meiluill of the Raitht, kn[y]cht, that for knyndnes and ald kynreit that hes ben betwyx my forbearis and his in tymis bygane, that I sall leillelle and trewly tak the saidis Schir Jhonnys part in all his acchonnis and querellis, mowit or to be mowit, baitht witht my body, frendis and gudis contray all mene lewand, the kyngis graice, my lord gouernour, and my ouer lard excep; and sall gyf hym the best consell I kane, and sall kep his consell secreit, and auertice hym of his schaitht efter my power, and this my band to be obseruit and keipit I bynd me as said is: Subscrywit witht my hand at Balmowto the threty day of Awgust, the yeir of God ane thowsand v^c^ and xx^ti^ij yeris, befor thir vytnes, Maister Dauid Meiluill, Gylzem Hay, and Aillexander Orok of Syllebawbe.

DAUID BOSSWELL of Glasmont,
v^t^ my hand.

67. CHARGE to poind the goods of JOHN MOULTRAY of Seafield, escheated for the slaughter of Richard Moffat. 6th November 1526.

JAMES, be the grace of God, king of Scottis, to our louittis James Bisset, Duncan Ryche, messingeris, our schereffis in that part, coniunctlie and seueralie, specialie

constitut, greting. Forsamekill as it is humilie menit and schewin to ws be our traist cousing and counsalour, James, Erle of Mortoun, that quhar Johne Multrar of Seyfeld wes be our letteris denunceit our rebell, and put to our horne ordourly as fugitiue fra our lawis for the slauchter of vmquhile Richard M[offat], committit within our said cousingis regalite of Dalkeith, quhairthrou all the said Johnis gudis mouabill, pertenit and pertenis to our said cousing as his eschete, being vpoun his landis, within his said regalite, neuirtheles the said Johnne makis him to intromet thairwith in gret skatht to our said cousingis, aganis iustice, gif sa be: Our will is herfor, and we charge you stratlie, and commandis that incontinent thir our letteris sene ye pas with oure said cousingis officiaris of his said regalite, and poynd ordourly for his said escheit of the said Johnis gudis being vpoun our said cousingis landis of his regalite, the tyme the said Johnne wes put to our horne, or the avale of thame as beis sufficientlie previt befor you, and mak his saidis officiaris to be ansuerit and obeyit thairin, and the saidis escheit gudis, or the avale thairof, to be inbrocht to our said cousing, or his assignais, according to iustice, and that ye tak na deforce heirin, bot gif it be of landit men, or men of substance, that may be responsale to ws for the said deforcement. The quhilk to do we commit to you, coniunctlie and seueralie, our full power be thir our letteris, deliuering thame be you, deulie execut and indorsat, agane to the berar. Gevin vndir our signet, with subscriptioun of our hand, at Edinburgh, the vi day of Nouember, and of our regnne the xiiii yeir.

JAMES R.

(Indorsation) The xix day of December, the yer of God, j^{m} v^{c} xxvj yeris, I, James Bisset, messinger, ane of the schireffis in that pairt within constitut, past at command of thir our souerane lordis lettres, with Williame Blakwod, officiar to James, Erle of Mortoun, lord of Dalkeith, of his regalite thairof to the landis of Seyfeld, liand within the said regalite, and thair poindit and tuke ordourlie tua oxin pertening to Johne Mwltrar of Sefeld, being vpoun his saidis landis of Sefeld, haldin be him of the said Erle, the tyme he wes put to the horne for the slauchter within writtin, and pertening to the said Erle as eschete be resoun and priuilege of his said regalite: And quhen I wes deliuerand the saidis tua oxin to the said lordis officiar forsaid to mak him be ansuerit and obeyit thairof, the said Johne Multrar and his complicis rais and maisterfullie reft and tuke fra me the saidis oxin, and deforsit me in executioun of my office and thir letteris, and in signe thairof I brak my wand, and tuke witnes, that is to say, Thomas Craufurd, Schir Walter Gourlay, notar, with vtheris diuers, and for mar witnessing to this my executioun and indorsing my signet is affixt.

68. APPEAL by SIR JOHN MELVILLE of Raith, and others, against the sentence of excommunication. 20th February 1526-7.

IN DEI NOMINE, Amen; Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quingentesimo vicesimo sexto, mensis vero Februarii die vicesimo, indiccione decima quinta, pontificatus sanctissimi in Christo patris et domini nostri domini Clementis, diuina prouidencia pape septimi, anno quarto: In mei notarii publici et testium subscriptorum presencia personaliter constituti honorabiles viri, Johannes Melwill de Raitht, miles, Johannes Ogilbe de Inuerquharate, Wilelmus Bonar de Rosse, Jacobus Forsycht de Nyde, Jacobus Kyrcaldy de Grange, Alexander Oroke de Celebawbe, Walterus Ogilbe, habentes et tenentes in manibus suis quamdam cedulam papeream formam appellacionis in se continentem quam michi, notario publico subscripto, tradederunt perlegendam, copiandam et in hanc publicam formam instrumentalem redigendam, atque secundum illius cedule tenorem, vim, formam et effectum, realiter et cum effectu appellarunt; cuius cedule tenor sequitur et est talis:—Cum appellacionis seu prouocationis remedium ab vtroque jure salubriter sit introductum ut nedum lesis, grauatis et oppressis verum etiam ledi, grauari et opprimi se timentibus in futurum eius presidio debite succurratur, hinc est quod nos, Johannes Melwill de Raitht, Johannes Ogilbe de Inuerquharate, Wilelmus Bonar de Rosse, Jacobus Forsycht de Nyde, Jacobus Kyrcaldy de Grange, Alexander Oroke de Celebawbe, Walterus Ogilbe, nostrique complices, amici et familiares, sentientes nos lesos, grauatos et oppressos, timentesque nos plus posse in futurum ledi, grauari et opprimi, per vos, venerabilem virum, magistrum Jacobum Symson, officialem Sancti Andree principalem, ex et pro eo quod vos, reuerende domine officialis, prout informamur et ad nostram noticiam nuper infra triduum deuenit, quasdam pretensas vestras literas inhibitoriales siue monitoriales censuras ecclesiasticas excommunicationis aggrauationis, siue reaggrauationis in se continentes, pro parte honorabilis viri, Johannis Multrar de Sefeild, contra et aduersus nos decreuistis et fulminastis, nobis minime citatis, vocatis, confessis aut legittime in spem monitis, seu aut super aliquo delicto, contemptu vel inobedientia conuictis, quod de jure et secundum juris dispensationem minime fecisse aut facere debuissetis, cum de jure contra non citatum, conuictum aut confessum aut legittime monitum, non est ad censuras ecclesiasticas procedendum: Tum, secundo, quamquam appreciationi bonorum et granorum prefati Johannis Multrar pro solutione summe sexaginta librarum monete Scocie rite et legittime adiudicate dicto Jacobo Kyrcalde, prout in sententiis et processibus desuper deductis continetur, cum officiariis nobilis et potentis domini, Jacobi, comitis

de Morton interfuimus, nullam inde iniusticiam aut iniuriam, contemptum wel inobedientiam fecimus, cum de jure cuilibet judici competenti sententiam secundum juris exigentiam et regni consuetudinem, licet executioni demandare et alios in suplementum ministrationis justicie connotare et interesse, sicuti dicta appreciatio facta fuerat; et nos de mandato etiam supremi domini nostri regis expresso predicte appreciationi interfuimus; Vos, tamen, reuerende domine officialis, prout informamur, literas vestras pretensas antedictas excommunicatorias, aggrauatorias vel reaggrauatorias, contra juris dispensationem et contra nos excommunicando, aut saltem excommunicare causando, absque cause cognitione, et nobis, ut premittitur, nobis minime citatis, confessis aut super aliquo delicto, contemptu vel inobedientia legittime conuictis, iniuste, nulliter et inique decreuistis et fulminastis nos multipliciter grauando, ledendo et opprimendo: Tum, tertio, si allegatur pro parte aduersa quod tempore appreciationis dictorum bonorum et granorum dominus Andreas Prat, capellanus predicti Johannis Multrar de Sefeild, nobis literas inhibitorias vestre reuerentie officii officialatus siue jurisdictionis aliquas siue excommunicationis seu alias quascunque, sub quacunque uerborum forma, si pro non insinuauit dicta allegacio est minime releuans, nullius roboris vel efficacie existebat, sed falsa fuit et est, cum in rei veritate dictus dominus Andreas negauit se expresse quascunque literas vestre reuerentie jurisdictionis aut officii illo tunc habere, aut executionem quarumcunque facere, sed uerbo tantum dixit et asseruit quod habuit in mandatis a dicto Johanne Multrar uerbo tantum asserere et dicere nos fuisse et esse excommunicatos; et sic que litere vel processus sub quacunque forma per vestram reuerentiam contra nos decrete aut fulminate fuerant penitus et omnino nobis incognite existebant, prout per instrumenta publica coram judice ad quem Dei gratia constabit: Et sic vos, reuerende domine, ad processus et censuras ecclesiasticas excommunicationis, aggrauationis seu reaggrauationis quascunque, contra nos ad instantiam partis aduerse, vel ex simplici informatione eiusdem, absque cognitione cause et nobis minime citatis, vocatis, confessis aut super aliquo delicto, contemptu vel inobedientia conuictis, procedere minime debuissetis, vestra reuerentia salua: Ob igitur premissa grauamina nobis illata et alia forsan grauiora per vos in posterum inferenda a vobis, domino officiali antedicto vestrisque commissariis, pluribus aut vno, et a dictis vestris pretensis literis executorialibus, et citationis, suspensionis, excommunicationis, aggrauationis, reaggrauationis et interdicti, suis aliis ecclesiasticis sententiis, censuris et penis, per vos contra nos latis seu ferendis, fulminatis seu fulminandis, ad sanctissimum in Christo patrem et dominum nostrum, dominum Clementem, diuina prouidencia papam septimum modernum, et eius sacrosanctam sedem appostolicam his scriptis prouocamus, appellamus, et appostolos petimus, primo, secundo, tertio, instanter, instantius et instantissime, subii-

cientes nos et omnia bona nostra, mobilia et immobilia, omnesque nobis adherentes seu adherere volentes in hac parte tuitioni, protectioni et omnimode defensioni dicti domini nostri pape et eiusdem sacrosancte sedis apostolice predicte; protestando solemniter de hanc nostram appellacionem colligendo eidemque addendo, diminuendo et ad calamum reformando, tociens quociens opus fuerit et nobis de jure licebit, cum ceteris clausulis necessariis et oportunis: Super quibus omnibus et singulis suprascripti domini appellantes a me, notario subscripto, sibi fieri petierunt instrumentum seu instrumenta tot quot erunt necessaria: Acta erant hec in camera mei notarii publici subscripti infra burgum de Kyrcaldy, hora quasi secunda post merediem vel eocirca, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem prouidis et discretis viris, Georgeo Balcanquell, domino Wilelmo Challand, capellano, Johanne Vilson, Vilelmo Cayrnis, Allano Sibald, et diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Walterus Gowrlay presbyter Sancti Andree diocesis publicus sacra auctoritate appostolica notarius, Quia [*etc., in forma communi*].

(Indorsation) Die xv^to^ mensis Martii, anno xxvi^to^: Quo die Spens, procurator pro Johanne Mauille de Raitht, milite, et retroscriptis suis collegiis appellantibus, presentem appellationem domino officiali retroscripto intimauit, et apostolos, quiquidem dominus apostolos refutatorios statim solo uerbo sibi contulit.

ROBERTUS LAUSONE
subscriba ac notarius publicus manu propria.

69. REMISSION to SIR JOHN MELVILLE of Raith and others for appearing in arms against KING JAMES THE FIFTH at Linlithgow. 14th August [1527].

JACOBUS, Dei gratia rex Scotorum, nostro consiliario et thesaurario dilecto, Archibaldo Douglas, nostri secreti sigilli custodi, salutem: Quia ex gratia nostra speciali remisimus Johanni Maluile de Raith, militi, Jacobo Kirkcaldy de Grange, Jacobo Forsyth de Nydy, Thome Maluile, Jacobo Maluile, Wilelmo Maluile, Wilelmo Wemys, Dauid Wemyis de eodem et Jacobo Bruce, rancorem animi nostri, sectam regiam et omnem actionem quem et quas erga ipsos concepimus, habemus seu quouismodo habere poterimus, pro eorum proditorio aduentu contra nos et nostram autoritatem bello preparato apud burgum nostrum de Linlithqw, nobis ibidem in persona propria et nostro vexillo distento pro tempore existentibus, ac pro omnibus actione et crimine que inde sequi poterint, necnon pro omnibus aliis actionibus, transgressionibus, criminibus et offensis quibuscunque per dictas personas, aut earum aliquam, aliquibus temporibus retroactis vsque in diem date presentium

commissis seu quomodolibet perpetratis, murthuro, communi furto et mulierum raptu exceptis, dummodo prefate persone partibus conquerentibus et dampna passis taliter satisfaciant quod nullam super hoc de cetero iustam querimoniam audiamus: Vobis precipimus et mandamus quatenus preceptum nostrum sub dicto nostro secreto sigillo pro literis nostris remissionis sub nostro magno sigillo dictis personis super premissis conficiendis, dilecto consanguineo ac consiliario nostro, Archibaldo, Angusie comiti, domino Douglas, cancellario nostro, in forma capelle nostre debita dirigatis; Datum sub signeto nostro apud Edinburgh decimo quarto die mensis Augusti, anno regni nostri decimo quarto.

Per signaturam manu supremi domini nostri regis subscriptam.

J. CHEPMAN.

70. REMISSION to SIR JAMES MELVILLE and others for intercommuning with ARCHIBALD, SIXTH EARL OF ANGUS. 21st June [1529].

JAMES, be the grace of God, king of Scottis, to all and sindry oure justices shereffis, justice clerkis, crovneris and thare deputis, provestis, auldermen and baillies of burrowis, and all vtheris oure officiaris, legis and subditis quham it efferis quhais knaulege thir our lettres salcum, greting: Wit ye ws witht auise of our thesaurare to haue respitt, and be thir oure lettres, in the law and by the law, specialie respittis, oure louittis Sir James Melwing, William Melwing, James Bruce, Robert Orrok, James Melwing, William Wemys, Robert Mow, Sir Williame Challand, for the tresonable intercomonyng and assisting witht Archibald Douglas, sum tyme erle of Angus, and for all maner of actiounis, crymes, and offensis done be the saidis personis, treasoun in oure persoun alanerlie except, to be vnhurt, vnharmit, vnattechit, vnarrestit, vnpersewit, vnfollowit, vnvexit, and vndistrublit in thare personis, landis, or gudis tharfore be you or ony of you, oure officiaris, liegis, and subditis forsaidis, during the tyme of thir oure lettres: Quharfore we charge straitlie and commandis you, all and sindry oure officiaris, liegis, and subditis forsaidis that nane of yow tak apoun hand to do or attempt ony thing in contrare or breking of thir oure lettres of speciale respitt during all the tyme tharof vnder all the hiest pane, charge, and offense that ye and ilkane of you may committ and inrin aganis oure maiestie in that part: Thir oure lettres of speciale respitt for the space of nyntene yeris nixt to cum eftir the dait heirof to indure, frelie, quietlie, wele and in peax, but ony reuocatioun, or agane calling quhatsumeuir: Gevin vnder oure priue sele at Jedburgh the xxi day of Junij and of oure regne the xvj yeir.

Per signaturam manibus supremi domini nostri regis et sui thesaurarii subscriptam.

71. Remission to Sir John Melville of Raith and James Kirkcaldy of Grange, for assisting the Douglases. 26th July 1529.

James, be the grace of God, king of Scottis, to all and sindry oure justicis, shereffis, justice clerkis, crovnaris and thare deputis, provestis, aldermen and baillies of burrowis, and all vtheris oure officiaris, liegis and subditis quham it efferis, quhais knaulege thir oure letres salcum, greting: Wit ye ws of oure speciale grace, with auise and consent of oure thesaurare, to haue respitt, and be thir oure letres, in the law and by the law, specialie respittis, Johnne Mailuile of Raith, knycht, and James Kirkcaldy of the Grange, for the tresonable art, parte and assistence gevin be thaim to Archibald, sumtyme Erle of Anguse, his brother and eme, and thare complicis in thare tresonable dedis, and for all actioun and crime that may follow thairupoun, and for all vtheris actiouns, transgressiouns, crimes, and offensis quhatsumeuir committit or done be the saidis Johnne and James, or ather of thame in ony tyme bigane vnto the day of the date heirof, tresoun in oure persoun, thift and revessing of wemen allanerly except; To be vnhurt, vnharmit, vnattechet, vnarrestit, vnpersewit, vnfollowit, vnvext and vndistrublit in thair persouns, landis or gudis thairfor be yow or ony of yow, oure officiaris, liegis and subditis foresaidis, during the tyme of thir oure letres: Quhairefor we charge straitlie and commandis yow, all and sindry our officiaris, liegis and subditis foresaidis, that nane of yow take vpoun hand to do or attempt to do ony thing in contrare or breking of thir oure letres of speciale respitt during all the tyme thareof vnder all the hieast pane, charge and offense that ye and ilk ane of yow may commit and inryn aganis oure maieste in that parte: Thir oure saidis letres of speciale respitt for the space of nynetene yeris nixt to cum efter the day of the date heirof in thare strenth to indure, but ony reuocatioun, impediment or agane calling quhatsumeuir: Gevin vnder oure priuie sele at Edinburgh the xxvi day of July in the yere of God i^{m} v^{c} and xxix yeris, and of our regnne the xvi yere.

Per signaturam manibus supremi domini nostri regis et thesaurarii subscriptam.

72. Discharge by Walter Melville to his uncle, Sir John Melville of Raith, for his bairn's part of goods. 3d December [*c.* 1530].

I, Waltyr Maill, sone to wmquhill Dauid Meiluill, burges of Edynbroucht, grantis me to haif resauit sythtment and contentachone fray ane honorabyll man

and his eme, Jhone Meiluill of Raitht, knycht, for bairnis part off gudis and house maill tane wp be the said Jhone Meiluill in my none aige; for the quhilk bairnis pairt of gudis and house meill, I dyscharge the saide Schir Jhone, his airis, assecckatouris, and assyngnais for now and euir. In wytnese of the quhilk I haif subscryuit this present aqwytance witht my hand at Edynbroucht the thrid day off Dyssembar, befor thir wytnes, Maistir Dauid Ramsay, Jhone Meiluill, Jhone Bonnar, witht wder dywerse. WALTYR MELWYLL, wytht my hand.

73. SUBMISSION by SIR JOHN MELVILLE of Raith and others to decree of the Lords of Session to be made respecting the assithement for slaughter. 15th January 1533-4.

AT Coupar in Fiff the xv day of Januar, in the yeir of God m v^{c} and xxxiij yeiris, in presence of the kingis grace, Jhone Mailuile of Raitht, knycht, and Johane Mowtrare of Merkinche ar compromittit, oblist and sworne to abid at the counsaill, decrett and ordinance of the lordis of his hienes sessioun, or ony sax or foure of thaim indifferent and newtraill to baitht the saidis parteis, anent the asythtment to be maid for the slauchter of wmquhill Jhone Wallanche of Pittedy, Andrew Traill, Alexander Wemys, and William Wod, to be maid be the said Jhone Mailwill of Raitht, knycht, and his complicis efter the form of the offeris maid be him thairapone, and to be addit or maid les as sall be thocht expedient to the saidis lordis, quhilkis lordis ar chosine as jugis arbitratouris and amiable compositouris vpone the said asythtment, and as thai or the maist part of them deliueris, the saidis parteis sall obserue and keip, but appellatioun or reclamatioun, and fulfill the same: Quhilkis parteis sall comper befor the saidis lordis betuex this and the last day of the same monetht, quhen it sall plese our said souerane lord to direct thaim witht his effectuis wretingis to thaim for accepting of the sammyn matere vpon thaim, and his same compromitt to extend to the part takaris and complicis of baitht the said parteis; and tweching all atheris debatis, querrellis and harmes done to the said Jhone Mowtrar be the said Jhone Mailuille or his complicis, he is contentit at the kingis grace do thairwitht as he plese, and as euer his hienes ordanes, he to fulfill the same, and to ony of his geir or gudis that he may ask or clame, he will do thairintill as it plese his grace in lik maner; and baitht the said parteis ar oblist and sworne herto for thaim and thair complicis and part takaris: In witnes of the quhilk thing the saidis parteis hes subscriuit this compromitt witht thair handis, day, zer, and place forsaid; present our said souerane lord, Johne, lord Lindsay of the Biris, Jhone Betoun of

Creicht, William Lindsay of Piotstoun, and Henry Kemp of Thomastoun, witht oder diuerse. Sequitur subscriptio manuum, Johane Mailuille, witht my hand, Jhone Mowtray of Merkinche. Hec est vera copia principalis compromissi collationata et copiata per me Johannem Walcare, capellanum ac notarium publicum in premissis, manu propria. J. W.

The Lard of Raith for thir persouns vnderwritin, that is to say, James Kirkcaldy of the Grange, William Berclay of Towch, Johnne Maluile of Wester Toulch, James Mailuile, soun and aire of vmquhile Dauid Maluile, burges of Edinburgh, Robert Clerk in Disart, Robert Maluile, goldsmyth, burges of Edinburgh, Patrik Kirkcaldy, Sir James Maluile, all landit men.

Johnne Multrare of Seyfeild.
Dauid Vallance,
George Vallance, } brether to vmquhile Johnne Vallance of Pettydy.
Henry Vallance,
James Traile, brother to vmquhile Andro Traile.
Dauid Wemys, soun to vmquhile Alexander Wemys.
Williame Wod.

74. CASE submitted to the Lords of Session for SIR JOHN MELVILLE of Raith against JOHN MOUTRAY of Markinch. *Circa* January 1533-4.

MY LORDIS OF COUNSALE,—Thir ar the querelis criminalle thairof and occasiones for to be considerat be yowr lordships for the part of Jhone Mailuile of Rayth, knycht, James Kyrkaldy of Grange and our freindis referrit to yowr lordships betuix ws, and Jhone Moultray, Markinche, Dauid Wallinche, his brether, and thair freindis as followis :—

In the first it is to be considerat be yowr lordships that we and owr partie beand at tendirness familiaritie, the lard of Seyfield wetset his land vpoun vj^{c} merkis, and offerit the samyn to vmquhile Andro, archebischop of Sanct Androws, to tak the tak of the Abthane owr my heyd, I being assignait to my fader sister, hewand vj yeris takkis to ryn at that tyme, and thairthrow causit me gyf thre hundreth li. for renewing of my said tak quhilk I mycht haif hed for xl li. of befor.

Secundlie, the said lard of Seyfield wedset ane pairt of his landis of Tyre to my Ladye Sinclair vpoun iij^{c} li., and offerit the samyn vnto me my Lord Mortoun for nonentress of the landis of the Grange, and causit me, the said James Kirkaldy, gyf ane mair inconuenient of the samyn.

Thredlie, efter that Patrik Kirkaldy, my brother, hed mariit ane kynnis-voman of the said laird of Rathis, hereter of certane landis and akeris besyd Kingorn, the said laird of Seyfeild purchest the nonentress of the saides landis to his sone fray Doctor Kingorn than hewand entress thairto, and be vay of deid braik vp thair durris, and spulzeit thair cornys for the profetis of the samyn, sekand allwais brek and truble, and makand occasione thairof but ony maner of occasione done to thame of befor.

Ferdlye, vpone Asche Veddynnisdey twa yeris befor the slauchter, the said lard of Seyfeild being at the mess in Kingorn, and aduertist that I was cumand to the kyrk in sober maner in my passage to Edinburgh, rais fray the consecratioun in the mess and come fryth with drawin sueirdis to the kirk stile tyll stop me tyll entre to the kirk, and hurt the Laird of Grange at that tyme, etc.

Fiftlye, cumand hayme fra the kingis seruice and raid vpoun the thevis, I, the said laird of Raith, passit in cumpany with the lardis of Veims and Balgony, without owr seruandis, tyll heir mess in Kyngorn, and or the mess vas done the young lard of Seyfeild, with viij personis in his company, seyand me quiete at the mess, send for thair jakkis to the Seyfeild, and, or the mess ves done, arayit thame and invadit me in the kirk yaird, and fowr of thame straik at me all ane quhill we war red, quhair Wod his seruand hapnit to be hurt, etc. etc.

Sextlye, I passand fra the Rayth to Kircaldy to my lord of Sanct Androwis in ane schort quhit cot traistand na invasione, the lard Seyfeild beand aduertist of my cuming, and hewand his jak and knapskall tursit reddy with hyme, send ane spy furthe Kyrcaldy to the burn besyd the abbottis hale tyll espy me and my cumpany, and quhen he was aduertist of my cuming he and his folkis arayit thame in thair geir and send for the lard of Pettedy and his folkis, quhilkis war drinkand in the towne, and reprevit thame of thair tary and schew that I wes cumand, and that he vald neuir get ane bettir tyme of me and myne, and the lard of Pettedy ansuerit thair was na sic caws as to mak slauchter, and disswaidit his purpois, sayand that I hes freindis in cuntre, and thane he ansuerit--Fy one ye, Jhone Vallanche, I trowit neuir better in thi hand—and thane Pettedy woux crabbit, and said he suld gang forthir than he durst gang, and reft tway axis and halbertis furth of Alexander Balcanwellis howse, and my lord of Sanct Androwis prayit hyme to abyde with hime, and nocht to gang and mak prowocatione, sen the lard of Rayth was cumand to speik with hyme, and said, Ye haif bene oft togydder with me of befoir but skayth, and thane he ansuerit, And I wer x and he xx he durst nocht hald the gait, and he saw my face, and with that ruschit furth of the lugeing with his seruandis and drew thair suerdis be I com within the portis, and quhen he come neir me I cryit to hyme and prayit him tak the hait

of the gait, and he ansuerit againe—Fy, set vpone the tratoris, and sua I was hurt in gret danger in diuerse pertis, and the said laird of Pettedy and his seruandis quhilkis come befor the laif makand prouocatioune and strykand happynnit to be sclaine in thair persute, and in owr vtir defence, as all the cuntyre knawis. And at that sammyn tyme Androw Traile, being with thame in company and seruice, was hurt to the deid, and levit twa dayis thaireftir, and diuerse tymis befor his deces he declarit to syndry of his freindis as is abone writine, and how the laird of Seyfeld hed lyit of befor vij tymis in that yeir for my slauchter, and how that he and vtheris thre tuke vpone hand that day to await vpone my persone alanerly and to sclay me, and that ilk ane of thaim straik at me the sammyn day, houbeit it hapnit vpone hyme and thaim quhilk thai deuisit for me, and thankit God thairof, and send ane noter and vther chapelane tyll ask me forgyfnes of the sammyn: And all this was downe be thair sekyng and occasione, and but ony provocatione of me or myne, the said lard of Pettedy being tender with me and in my howse within vj dayis of befor, as the principalle of his frendis knawis, and beris nocht the querele of his slawchter vpone me, becaws thai knaw it wes nocht of my prouocatione nor sekyng, bot in my pure defense, as said is, etc., etc.

Sevintlye, I being with the kingis grace in Merose, the lard of Seyfeld mett my kynissman, Schir James Mailuile, chapellane, one fut, he being vpone horse, at the towne end of Keirkcaldy, and lychtit vpone hyme, and chasit hime, and howsit hime, and brak wp the durris vpone hyme, and had sclayne hime had he nocht eschapit be ane bak dur. Auchtly, vpone Sanct Margrettis day last by past, Henry Vallanche, Gorge Vallanche, with vther complices, set vpone Johne Kircaldy, broder to the said laird of Grange, in the criit fair of Dumfermeling, and had sclaine hime had nocht bene his pure defence, and thairthrow braik the lavborghis fundin be thame of befor the baillie of regalite, the said Johne was maid quite be ane assize, and that wther partie was fugitiue, and wald nocht entre, and swa hes taken the said cryme vpone thame, etc.

Finalie, vpoun the natiuite day of owr lady last by past, my servandis being in Kingorn at the evinsang, the said Dauid and Hendry Vallanche, James Traile and Dauid Vemis, and thair complices, crewaly set vpoun thaim for thair sclauchter in the kirk yaird, behynd thair bakis, quhill thai red and put fra thame, and in the redding they hurt Marione Kirkaldy, syster to me, the said laird of Grange, with diuerse vtheris persewingis, sekingis, and occasiones maid to me and my seruandis, as all the cuntre knauis, etc.

Beseking heir for yowr lordschips tyll consydder, and tyll wey wyisly the crimes, faltis, and occasiones forsaidis committit vpone me and my seruandis, and tyll caws ws haue assythment thairof as efferis, etc., etc.

75. ANSWERS for SIR JOHN MELVILLE of Raith to the complaints and charges of JOHN MOUTRAY of Markinch. *Circa* January 1533-4.

THIR ar the poynttis of dittay efter folloving, that Jhone Moltray of Markinche and Jhone Moltray, his sone and apperand air, George Wallinche, Henry Wallinche, [Walter] Hoig, James Traill, William Robertson, and Auchinlek sit of in the justice air of the regalite of Dunfermline.

In the first, on Asche Weddinisday, twa yeiris precedand the May, in the yeir of God ane thowsand fyff hundretht and twenty nyne yeiris, the said Jhone Moltray of Markinche, his sone forsaid, and thair complices abone writing, being in the parroche kirk of Kingorne Estir, at the mess, and aduerteist that Jhone Mailwill of the Raitht, knycht, James Kircaldy of the Grange, and thair daly hovssald seruandis, nocht boiddine in ony maner of rayment, bot as thai vsit daly peciably to ryd, being on thair passage to Edinburght, nocht knawing ony ewill, bot intent to haif hard mess wythin the said parroche kirk of Kingorne Estir, aduerteist of thair cuming, furiously wyth seitt purpose and mynd to haue slane the saidis Jhone Mailwill, knycht, and James Kircaldy, nocht boiddine in wappinnis and geir to defeynd thame, the saidis Jhone Moltray and his sone forsaid, wyth thair complices, raise fra the consecratioun of the mess and come furth of the kirk and the kirk yaird to the kirk still wyth drawine swirdis in feir of weir, and thair cruylie as commone oppressouris and breikaris of the kingis pace, and stoping his liegis the commone kingis strett, seitt apoune the saidis Jhone, knycht, and James, and thair seruandis, and hurt the said James Kircaldy of Grange, nother ferand God nor the kingis grace, as it is manifest and notorlie knawine wyth all the cuntray.

Item, secundlie, nocht lang thaireftir the said Jhone Mailwill of the Raitht, knycht, was cumand fra ane raid that our souerane lord maid vpoun the thewise new cumand fra the kingis seruice throucht the towne of Kingorne, nocht knawing ony ewill, being accompaneitt wyth nobill men, Dauid Wemis of that ilk, and James Lundy of Balgony, passit quiettly wythout ony seruandis to the parroche kirk of Kyngorne Estir, to do thair deuotioun and heir mess, as gud Cristine men suld do, nocht dovtand ewill of ony man, thai being quiettlie at the mess, Jhone Moltray, sone and apperand air to the said lard of Markinche, seing the said laird of Raitht wythout his seruandis, quiett at that tyme, or the mess was doun, send to the Sefeild, wyth aucht persouns wyth him, for thair jakkis, knapskavis, and wther wappinnis gayning for weir, and or the mess was dovn arraiett thame, and inwadit the said lard of Ratht wythtin the kirk yaird, and fowr of the saidis

personis straik at him ane lang tyme in seitt purpose, malice, and forthowcht feloun, to haue slane him, and at that tyme ane callit Woid was hurtt of thair prouocatioun and onseitting, as it is manifest and notorlie knawing throcht all the cuntray.

Item, in the moneith of May, the yeir of God i^{m} v^{c} and xxix yeiris, the saidis laird of Markinche, Jhone Moltray, his sone and apperand air, George Wallinche, Henry Wallinche, wytht thair complices and thair seruandis, come furtht of the Sefeild in feir of weir boiddine, wytht jak, steill bonat, swird, and buclar, excep the lard him selff that come and ane furrit govne on him, and gart ane boy turss his jak and steill bonatt to the tovn of Kircaldy, wythtin Alexander Balcankill luigyng wythtin the regalite of Dunfermling, and thair, quhen he was aduerteist that the said laird of Raitht suld haue cummen and spokkine wytht my lord of Sanct Androis for syndry erandis he haid ado wytht his lordschipe at that tyme, the said laird of Sefeild send ane espy furtht of Kircaldy to the burne besyd the abbottis hall to espy of the said laird of Raithtis cuming, and quhen he was aduerteist of his cuming the said laird of Sefeild and his folkis arraeitt thame in thair geir, and he him selfe pat on his jak and steill bonat and twa gloffis of plaitt on his handis, and send for the laird of Pittadye and his folkis, quhilkis war drinkand in the tovne of Kircaldy, and repreiffit thame of thair tarye, and shew that the laird of Raitht was cumand and that thai wald newir geitt ane better tyme of him and his. And the laird of Pittadie anserit that thair was nay sic cause as to mak slawchter, and disswadit his purpose, sayand that the laird of Raitht haid frendis in the cuntray, and thane the laird of Sefeild ansueritt, Fye on ye, [Jhone Wall]inche, I trowit newir better in thi hand. To the quhilkis wo[rdis] the lard of Pittadie wox crabbit and angry, sayand, [he suld] gang forder thane the laird of Sefeild durst gang, and [reft] twa axis and halbartis furtht of Alexander Balkankill howse, and my lord of Sanct Androis prayit him to abyid wytht him, and nocht to gang to mak prouocatioun, sene the laird of Raitht was cumand to speik wytht his lordschipe, and said, Ye haue bene oft togidder wytht me of befor but skaytht; and thane the laird of Sefeild ansuerit, And I wer ten and he twenty he durst nocht hald the geitt, and he saw my face, and wytht that ruschit furtht of the luging wytht his seruandis and complices aboun writtine, and drew thair swirdis, all thir communicatiouns, prouisiouns, and prouocatiouns being prouidit of seitt purpose, malice, and forthowcht feloun apoun auld feid, for the slauchter of the said laird of Raitht, he nocht knawand ony ewill, nor thair prouisions of ewill aboun writtine prouidit for him, bot innocently, efter his commone maner of ganging onprouidit for siclik defens, bot in purpose, wythtout impediment of his aduersaris to haue spokkine wytht my lord of Sanct Androwis, for his necessar erandis come to the

tovne of Kircaldy, haiffand on him ane schort quhitt cott, wyth dowblett and hoise, and ane reid bonat on his heid, the quhilk habeitt and rayment declaris his innocence that he knew nay ewill for the tyme, and swa he enterit, and his seruandis wyth him, in at the west port of Kircaldy, and incontenent as he enterit wythtin the said port, the laird of Sefeild, wyth his complices aboun writtyne, prouidit as is forsaid for the cruell slawchter of the said laird of Raitht, of forthowcht feloun, apoun auld feid, cruelie come apoun the said laird of Raitht, and thane the said laird of Raitht, seing the prouisioun maid for his slawchter, cryit to the laird of Sefeild, and prayit him to tak the half of the gaitt, and he ansuerit agayne—Fy, seitt apoun the tratouris. And swa the said laird of Raitht was hurt in diuerse partis of his body in grett dangeir of his lyff, and the laird of Pittadie and his seruandis happinnit to be slane of thair awine prouocatioun on seiking and perswitt

on the said laird of Raithtis and his seruands vtir defense, as is notorlie knawine throcht all the cuntray and is manefest, because the said laird of Sefeild was prouidit of forthowcht feloun geiritt and armitt in feir of weir for the said laird of Raithtis slawchter, and he wyth sic ane habeitt as is aboun expremitt, nocht boiddine nor armitt for ony ewill: And to fortife the premisses at the samyn tyme of the onsetting be the said laird of Sefeild, ane man callit Andro Traill being wyth him in his company and seruice, was hurt to the deid, and leiffitt twa dais thairefter; and diuerse tymis before his decese he declarit to syndry of his frendis as is aboun writtine, and quhow the laird of Sefeild haid lying of before vij tymis in the yeir forsaid for the said laird of Raitht slauchter, and quhow that he wyth wtheris thre twik apoun thame that day to awaitt apoun the laird of Raithtis persoun alanerlie, and to slay him, and that ilk ane of thame straik at him that samyn day, quhobeit it happinnit apoun the said Andro and his complices that was dewisit for the said laird of Raithtis slawchter, and the said Andro, movit of consciens, send ane notar and ane wther chapilane to the said laird of Raitht to ask forgiffnennis for the samyn: And all this aboun writtine was doun be the said laird of Seifeild and his complices forsaid of thair awine onseiking, prouocatioun, and forthowcht feloun and lying in waitt for his slauchter, but ony prouocatioun of the said laird of Raitht, as is notorlie knawine, and for the fortifeing of the premisses, the laird of Pittadie, quhilk was tendir wyth the laird of Raitht, and in hovse wyth him vj dais befor, to quhome he aucht na feid nor ewill woill, as the principall of his frendis knawis, and beris nocht the querell of his slauchter apoun the said laird of Raitht, because thai knaw it was nocht of his prouocatioun nor on seiking, bot in his puir defense, as God and all the cuntray knawis.

Item, the said laird of Raitht being in the kingis grace seruice wytht his grace in Melrose, the said laird of Sefeild, wytht his complices aboun writtine, cruelie, as manifest oppressouris, seitt apoun Schir James Mailwill, chapilane, kynnisman to the said laird of Raitht, at the est tovne end of Kircaldy, he gangand apoun fuitt, and the said laird of Sefeild and his complices on horsebak, lychtit apoun him and chasit him wytht seitt mynd and purpose to haue slane him, and howsit him in ane howse, and braik vp the dwiris, and haid slane him, haid nocht bene he eschapit be ane bak dwir of chance and auentuir, as it is manifest and notorlie knawine, as he can nocht deny.

Item, on Sanct Margreitis day was ane yeir, Henry Wallinche, George Vallinche, wytht thair complices, seitt apoun Jhone Kircaldy, brother to James Kircaldy of the Grange, of seitt purpose to haue slane him in the cryit fair of Dunfermling, and haid slane hime haid nocht bene his puir defence, and thairtrow brak the lawburrois fundin be thaim of before, and the said Jhone and thai being callit befor the bailye of the regalite of Dunfermling for the strublingis in the tyme of the said cryit fair, the said Jhone was quitt, purgit and clengit be ane chosine assise of the said crime, because it was in his puir defence, and the saidis George and Henry was absent and fugitive, and wald nocht entir because thai war gilty of the said cryme [of hauing] cruilie inuadit the said Jhone to haue slane him of seitt purpose, malice, and forthowcht feloun, and be that resoun that thai war fugitive and durst nocht onderlie the law, twilk the haill cryme apoun thame.

Item, on the natiuite of our lady was ane yeir, the said laird of Raithtis seruandis being in Kingorne kirk at the ewinsang Dauid and Henry Wallinche, James Traill, and Dauid Wemis, wytht thair complices, cruelie inuadit and seitt apoun thame for thair slauchter in the kirkyaird behind thair bakis quhill thai war reid and put fra thame, and in the redding thai hurt Marioun Kircaldy, sister to the said laird of Grange, wytht diuerse vtheris persewingis, onseikingis, and occasiounes maid to the said laird of Raitht and his seruandis, as it is manifest and notorlie knawine to all the cuntray.

Item, the said laird of Sefeild is ane commone oppressour, and committis manifeist and commone oppressioun, specialy to the vicar of Kingorne Ester in stopping him violently to labour, manur, and occupy his landis, callit the Vicaris Grange, thir sewine yeiris bygane or thairby, and biggis dikis apoun the saidis vicaris landis, and stoppis him to teill his awine landis forsaid, breikis his plewchtis and dingis his seruandis, eittis vp his girse wytht his scheip, and vsis all maner of oppressioun apoun him, and siclik haldis fra him the teynd of his salt-pannis thir vij yeiris bygane or mair, and will nocht pay him his teynd salt

conforme to custome and vse of the cuntray, nor na wder maner of way bot be manifest raiff and oppressioun wyththaldis the samyn, and hes haldine be the space aboun writtine, as all the cuntray knawis notorlye.

76. DISCHARGE of sentence of forfeiture against SIR JOHN MELVILLE of Raith. 7th January 1539-40.

JAMES, be the grace of God, king of Scottis, to all and syndry oure officiariis, liegiis, and subiectis quham it efferis, quhais knawlege thir oure letres salcum, greting: Forsamekle as oure louit familiar seruitour, Johnne Malvill of the Raytht, knycht, is decernit be decrete of the lordis of oure Counsale to haue wilfully errit, becaus he retourit and deliuerit that the landis of Lundy and wtheris perteneing to Walter Lundy of that ilk ar haldin of ws be seruice of ward and relief, he nocht seand ane sufficient charter thairupoun, as at mair lenth is contenit in the decrete gevin be the saidis lordis thairupoun, and we vnderstanding that the said Johnne the tyme of the seruing of the saide Walteris breues wes of imperfite age, lakking discretioun and vnderstanding, and sen syne he awatit, lik as he dois presentlie, on ws and oure seruice, and spendit his geir largely thairthrow, and thairfor and diuerse wtheris resonable cause and considerationis moving ws, we, with awise and consent of oure thesaurer, haue remittit and forgevin, and be thir oure letres, remittis and forgiffis, to the said Johnne oure eschete of all his gudis, movable and vnmovable, quhatsumeuir perteneing, or ony wise may pertene to ws throw the cause foirsaid, and quiteclaims and dischargis him and his airis thairof for euir be thir oure letres; and inlikwise of his entering and remaneing in oure ward for the said cause and all thing that may follow thairupoun: Attoure we of oure speciale grace and kinglie powere rehabilitatis the said Johnne to stand in preif and witnes, and vse all lefull dedis in jugement and outwith, siclik and als frelie in all thingis as he mycht haue done before that he was convict of the said wilful errour, and incurrit thairthrow the pane of temere jurantium, and restoris, reponis, and reintegratis him to his gud fame and warldly honouris in all thingis as he mycht haue done before that he was convict of the said errour without ony reproche, murmour, detractioun, or blasphemeing to be maid or done aganis him thairthrow be quhatsumeuir personis, in word or ded, in tyme cuming: Quhairfor we charge straitlie, and commandis yow, all and syndry oure officiariis, liegiis and subiectis foirsadis, that nane of yow tak vpoun hand to do or attempt ony thing in contrar this oure discharge, rehabilitatioun, restitutioun, and reintegratioun in ony wise in tyme cuming, or

to call, persew, molest, poynd, or distrenze him, his lands or gudis, for oure eschete of his gudis remittit be ws to him as said is, vnder all hiest pane and charge that efter may follow, dischargeing you, and ilk ane of you, of youre office in that part for euir be thir oure letres, deliuering thame be you, and ilk ane of you, sene and vnderstand agane to the berare. Gevin vnder oure signete, and subscriuit with oure hand and be oure said thesaurer, in signe of his consent to the premisses, at Lynlithgw, the vij day of Januare, the zere of God i^{m} v^{c} xxxix zeris, and of oure regnne the xxvij zere.—Composicio iij^{c} li. JAMES R.

Also signed on back by JA. THES.[1] H. BALNAVIS.[2]

77. RENTAL OF MONYMAIL in 1540.

Monymaill.

Smytheland de Monymele cum licencia, in anno, xiij s. iiij d.

Assedatur Jonete Thomson et suis assignatis pro novemdecim annis sub sigillo communi per reuerendissimum dominum cardinalem incipiendo die quinto mensis Januarij, anno Domini i^{m} v^{c} quadragesimo, que est data literarum sue assedacionis. (On margin) Few.

Brasina de Monymaill cum terris brasinariis eiusdem, in anno, xx s. vj pultrie. (On margin) In antiquo rentali non habetur brasina de Monymaill.

Dicta brasina cum terris brasinariis eidem spectantibus assedatur domino Alexandro Duncan, curato de Monymele et suis assignatis, pro nouemdecim annis incipiendo quinto die mensis Januarij, anno Domini I^{m} v^{c} quadragesimo, que est data assedacionis suarum literarum factarum per reuerendissimum dominum cardinalem. (On margin) Brasina de Pitcunty habetur in diuersis rentalibus, xx s. vj pultrie.

Molendinum de Monymele, in anno, iij li. vj s. viij d., xij capones et vj pultrie.

Vna medietas dicti molendini et terre molendinarij assedatur Dauidi Dury et Jacobo Dury, eius filio, et assignatis, pro nouemdecim annis incipiendo die date literarum sue assedacionis, viz., quinto mensis Januarij, anno Domini I^{m} v^{c} quadragesimo sub sigillo communi per reuerendissimum dominum cardinalem. (On margin) Few.

Alia medietas dicti molendini et terre molendinarie in manibus Thome Broun et Dauidis sui filii. (On margin) Vacat.

[1] James Kirkcaldy of Grange. [2] Mr. Henry Balnavis of Halhill.

Capella Sancti Leonardi in anno, etc., xiij s. iiij d., vj pultrie.

In manibus Roberti Dury de eodem. (On margin) Vacat.

Summa totalis dominii de Monymele in pecuniis cum augmentatione annua feudifirme terrarum de Pitcunte et Murefeild, lxxvj li. viij s. viij d.

Rentale domini cardinalis Sancti Andree, anno Domini, etc., quadragesimo.

Cragfudy in anno iij chaldarii frumenti, iiij chaldarii ordei, et iiij chaldarii auenarum, ac viij caponum et xvi pultrei. (On margin) Nunquam locatur per dominum cardinalem.

Kembak in anno, xij li.

Kynnard in anno, viij li.

Locantur quondam Johanni Schevez in feudifirma et heredibus suis per quondam bone memorie dominum Willelmum Schevez, olim archiepiscopum Sancti Andree; duplicando integram firmam omnium.

78. LEASE by Cardinal DAVID BEATON, Archbishop of St. Andrews, to DAVID BONTHRON (BONTANEROUN) of one-eighth part of Letham. 5th January 1540.

VNIVERSIS et singulis sancte matris ecclesie filiis ad quorum notitias presentes litere peruenerint, Dauid, miseratione diuina, tituli Sancti Stephani in Celio Monte sancte Romane ecclesie presbyter cardinalis, Sanctiandree archiepiscopus, totius regni Scotie primas et apostolice sedis legatus natus, necnon Mirapicensis ecclesie in Gallia administrator, ac commendatarius perpetuus monasterii de Abirbrothok, salutem in omnium Saluatore: Noueritis nos, cum expresso consensu et assensu capituli nostri ecclesie nostre metropolitane et primitialis Sancti Andree ad hoc capitulariter congregati, vtilitateque et commodo nostri et dicte nostre ecclesie vndique preuisis, pensatis et consideratis, matura deliberatione et longo tractatu desuper prehabitis, assedasse, arrendasse, locasse et ad firmam dimisisse, tenoreque presentium assedare, arrendare, locare et ad firmam dimittere, pro nobis et successoribus nostris Sancti Andree archiepiscopis, dilecto nostro Dauid Bontaneroun et suis assignatis pluribus aut vni, non maioris auctoritatis aut potentie quam ipse Dauid principalis, totam et integram vnam octauam partem ville et terrarum nostrarum de Lathame cum suis pertinenciis, quam de presenti occupat idem Dauid, jacentem in dominio nostro de Monymele infra regalitatem nostram Sancti Andree et vicecomitatum de Fyiff, pro omnibus et singulis terminis et diebus nouemdecim annorum datam presencium proxime et immediate sequentium, quequidem data presencium est terminus introitus dicti Dauid et suorum assignatorum,

plurium aut vnius predictorum, in et ad prefatam octauam partem ville et terrarum de Lathame supradictarum cum pertinenciis; et sic duraturis simul et successiue vsque ad completum exitum nouemdecim annorum predictorum, prout dicta octaua pars cum pertinenciis jacet in longitudine et latitudine, per omnes rectas metas suas, marchias ac limites et bondas antiquas diuisas et vsitatas, in domibus et edificiis, cum communi pastura solita et consueta, liberoque introitu et exitu, ac cum omnibus et singulis aliis libertatibus, commoditatibus, pascuis, pasturis, petariis, turbariis, proficuis et asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, et tam procul quam prope, ad prefatam octauam partem cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento, reuocatione, contradictione aut obstaculo aliquali, cum potestate prefato Dauid et assignatis suis, pluribus aut vni, prefatis, subtenentem seu subtenentes in huiusmodi octaua parte seu aliqua eiusdem parte loco sui vel alterius eorum substituendi et imponendi vel eandem in toto vel in parte cum suis propriis bonis occupandi, et subtenentem seu subtenentes in huiusmodi octaua parte prefatos totiens quotiens eiis seu eorum alteri visum fuerit expediens amouendi et alios loco eorum de nouo imponendi, dummodo tamen ipsi subtenentes non sint maioris auctoritatis aut potentie quam ipse, noster principalis tenens prefatus: Reddendo inde annuatim dictus Dauid Bontaneroun et assignati sui, plures aut vnus, prefati, nobis et successoribus nostris Sancti Andree archiepiscopis, nostrisve et eorum camerariis pro tempore existentibus, summam quatuor librarum vsualis monete regni Scotie ad duos anni terminos vsuales, festa viz. Penthecostes et Sancti Martini in yeme, per equales medias portiones; necnon quatuor bollas frumenti ac sex capones et duodecim pultrias in terminis, victualia, capones et pultrias persolui solitis et consuetis vnacum omnibus aliis oneribus et seruitiis de dicta octaua parte cum pertinenciis debitis et consuetis secundum formam et tenorem rentalis nostri: Et nos vero Dauid, cardinalis et archiepiscopus prefatus, et successores nostri Sancti Andree archiepiscopi, totam et integram prenominatam octauam partem ville et terrarum nostrarum de Lathame cum pertinenciis prefato Dauid Bontaneroun et assignatis suis, pluribus aut vni, prefatis, in omnibus et per omnia, vt premissum est, varantizabimus, acquietabimus et durantibus dictis terminis nouemdecim annorum, prout iura volunt, defendemus: In cuius rei testimonium presentibus manu nostra subscriptis sigillum nostrum auctenticum vnacum sigillo communi dicti capituli nostri est appensum, apud dictam nostram ecclesiam Sancti Andree die quinto mensis Januarii anno Domini millesimo quingentesimo quadragesimo, et nostre consecrationis anno tertio. DAUID Card^lis S^cl Andree.

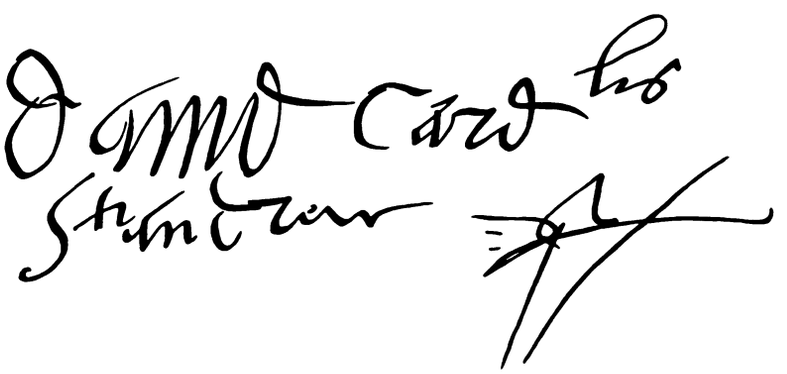
79. LEASE by Cardinal DAVID BEATON, Archbishop of St. Andrews, to Mr. HENRY BALNAVIS, of Petcunte and Murefield. 7th March 1540.

OMNIBUS hanc cartam visuris vel audituris, Dauid miseratione diuina tituli Sancti Stephani in Celio Monte sancte Romane ecclesie presbyter cardinalis, Sancti Andree archiepiscopus, totius regni Scotie primas, et apostolice sedis legatus natus, necnon Mirapicensis ecclesie in Gallia administrator ac commendatarius perpetuus monasterii de Abirbrothok, salutem in eo qui est vera et indeficiens omnium salus: Res nostras et dicti nostri archiepiscopatus Sancti Andree ampliores reddere volentes vt duplex inde cum procedat redditus, scilicet noster singulis deinceps annis pro perpetuo augeatur et diligentiori agrorum cultura terre fructus ad communem hominum vsum vberius proueniant vtque proniores sint coloni et ad arbores serendum et edes in publicum regni decus construendum; noueritis igitur nos, cum consensu et assensu capituli nostri ecclesie nostre metropolitane et primitialis Sancti Andree ad hoc capitulariter congregati, vtilitate et commodo nostris et dicte nostre ecclesie vndique preuisis, pensatis et consideratis, exigentibus quoque nonnichil honorabilis viri magistri Henrici Balnavis in nobis benemeritis et pro rentalis nostri augmentatione ad summam duarum marcarum quatuor solidorum et octo denariorum vsualis monete regni Scotie plusque vnequam terre subscripte prius nobis aut predecessoribus persoluerunt, dedisse, concessisse, arrendasse, locasse et ad feodifirmam seu emphiteosim perpetuam hereditarie dimisisse et hac presenti carta nostra confirmasse, necnon dare, concedere, arrendare, locare et ad feodifirmam seu emphiteosim perpetuam hereditarie dimittere et hac presenti carta nostra confirmare prefato magistro Henrico Balnavis et Cristine Schevis, sue sponse, ac eorum alteri diucius viuenti, in coniuncta infeodatione, et heredibus suis subscriptis, omnes et singulas terras nostras de Petcunte et Murefeild cum domibus, edificiis, toftis, croftis, partibus et pendiculis earundem, vnacum omnibus et singulis commoditatibus, privilegiis et libertatibus ad easdem spectantibus seu quouismodo pertinere valentibus, et suis pertinenciis, jacentes in dominio nostro de Monymale infra regalitatem nostram Sancti Andree et vicecomitatum de Fiffe, liberas ab omni solutione decimarum ecclesie nostre perrochiali de Monymale, sicuti per tenentes nostros earundem de presenti possidentur et per ipsos ac eorum predecessores perprius continuo possesse fuerunt vltra memoriam hominum: Quequidem terre de Petcunte cum omnibus suis pertinenciis extendunt in antiquo rentali nostro in firma et grassuma omnibusque aliis proficuis etiam ipsarum decimis cum eisdem insimul computatis annuatim ad summam viginti octo marcarum, et deinde quondam reuerendissimus in Christo pater, Alexander, Sancti Andree archiepiscopus, pro

tempore huiusmodi terris cum nonnullis ouibus, vaccis, bobus et aliis, bonis suis vtilibus super eisdem permansuris, quondam Roberto Arnot de Wodmyll pro summa quadraginta marcarum ad certum tempus assedauit, post cuius temporis exitum prenominate terre de Petcunte cum suis pertinenciis predictis in omnibus proficuis pro prefata summa viginti octo marcarum per quondam reuerendissimum patrem, Andream, archiepiscopum Sancti Andree pro tempore, et alios nostros predecessores Sancti Andree archiepiscopos, secundum tenorem antiqui rentalis nostri antedicti continuo assedate, et per tenentes earundem gauise fuerunt, licet in nostro nouo rentali dicta summa quadraginta marcarum continetur et de eadem summa annuatim defalcatur et allocatur nostris camerariis in suis expensis, de summa viginti marcarum tancquam superflue onerata ex causis suprascriptis; eo quod dicto quondam reuerendissimo patri vtilius visum fuit prefatas terras simpliciter quam cum bonis suis super eisdem assedare: Et memorate terre de Murefeild se extendunt annuatim in rentali nostro in firma et grassuma et omnibus aliis proficuis ad summam triginta septem solidorum et quatuor denariorum monete predicte et duodecim pultriis: Insuper pro causis suprascriptis vnimus, creamus et incorporamus omnes et singulas prefatas terras de Petcunte et Murefeild, cum domibus, edificiis, toftis, croftis, partibus et pendiculis earundem, vnacum omnibus et singulis commoditatibus, priuilegiis et libertatibus ad easdem spectantibus seu quouismodo pertinere valentibus et suis pertinenciis, liberas ab omni solutione decimarum, sicuti per tenentes nostros earundem de presenti possidentur et per ipsos ac eorum predecessores perprius continuo possesse fuerunt, in vnam integram et liberam tenendriam omni tempore affuturo tenendriam de Petcunte nuncupandam; Et quod vnica sasina nunc per dictos Magistrum Henricum et Cristinam, eius sponsam, et heredes suos, omni tempore affuturo apud capitale messuagium dictarum terrarum de Petcunte capienda stabit, et sasina sufficiens erit pro omnibus et singulis prefatis terris de Petcunte et Murefeild cum suis pertinenciis predictis non obstante quod prefate terre insimul et contigue non jacent: Tenendas et habendas omnes et singulas prenominatas terras de Petcunte et Murefeild cum domibus, edificiis, toftis, croftis, partibus et pendiculis earundem, vnacum omnibus et singulis libertatibus, commoditatibus, priuilegiis et asiamentis ad easdem spectantibus seu quouismodo pertinere valentibus et suis pertinenciis, liberas ab omni solutione decimarum sicuti per tenentes nostros earundem de presenti possidentur et per ipsos ac eorum predecessores perprius, vt predicitur, continuo possesse fuerunt, nunc vnitas et annexatas in vnam liberam et integram tenendriam omni tempore affuturo tenendriam de Petcunte nuncupandam, memoratis Magistro Henrico Balnavis et Cristine Scheves, sue sponse, ac eorum alteri diucius viuenti, in coniuncta infeodatione et heredibus inter ipsos legittime pro-

creandis, quibus deficientibus, legittimis et propinquioribus heredibus seu assignatis dicti Magistri Henrici quibuscunque, de nobis et successoribus nostris, Sancti Andree archiepiscopis, in feodifirma, hereditate et libera tenandria imperpetuum, per omnes rectas metas suas antiquas, prout jacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonibus, carbonariis, cuniculis, cunicularíis, columbis, columbariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et virgultis, lignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, amerchiamentis, heirzeldis, bludewitis et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum pertinenciis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione aut contradictione aliquali: Reddendo inde annuatim dicti Magister Henricus et Cristina, eius sponsa, ac eorum alter diucius viuens et heredes sui suprascripti, nobis et successoribus nostris, Sancti Andree archiepiscopis, pro huiusmodi terris de Petcunty, que antea in dicto nostro rentali in omnibus proficuis, tam firmis quam grassumis, annuatim extendebant ad dictam summam viginti octo marcarum, summam triginta marcarum, et pro memoratis terris de Murefeild, que antea extendebant in rentali nostro annuatim ad dictam summam triginta septem solidorum et quatuor denariorum, summam quadraginta duorum solidorum monete predicte, vnacum duodecim pultriis, ad duos anni terminos consuetos, festa, viz., Penthecostes et Sancti Martini in hieme, per equales portiones, nomine feodifirme et sic augmentando rentale nostrum dictarum terrarum de Petcunty annuatim ad prefatam summam duarum marcarum, et rentale nostrum dictarum terrarum de Murefeild ad summam quatuor solidorum et octo denariorum dicte monete, acetiam heredes eorundem Magistri Henrici et Cristine sue sponse, antedicti, duplicando dictam feodifirmam primi anni eorum introitus ad prefatas terras cum pertinenciis, necnon dicti Magister Henricus et Cristina, eius sponsa, ac heredes sui suprascripti pro dictis terris de Murefeild et Petcunte cum pertinenciis reddendo nobis et successoribus nostris, Sancti Andree archiepiscopis pro tempore existentibus, annuatim et perpetuis futuris temporibus tres sectas ad tria nostra et nostrorum successorum placita capitalia apud Sanctum Andream annuatim tenenda nomine feodifirme tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari, que de predictis terris cum pertinenciis per quoscunque juste exigi poterint vel requiri quomodolibet: Et nos, uero

prefatus Dauid, cardinalis, Sancti Andree archiepiscopus, et successores nostri, Sancti Andree archiepiscopi, omnes et singulas prenominatas terras de Petcunte et Murefeild cum domibus, edificiis, toftis, croftis, partibus et pendiculis earundem, vnacum omnibus et singulis libertatibus, commoditatibus, priuilegiis et pertinenciis ad easdem spectantibus seu quouismodo pertinere valentibus et suis pertinenciis liberas ab omni solutione decimarum ecclesie nostre perrochiali de Monymale, vt predicitur, prefatis Magistro Henrico Balnavis et Cristine Scheves, sue sponse, ac eorum alteri diucius viuenti, in coniuncta infeodatione, et heredibus suis suprascriptis, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu vt premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus: In cuius rei testimonium huic presenti carte nostre manu nostra subscripte sigillum nostrum auctenticum vnacum sigillo communi dicti capituli nostri est appensum, apud ecclesiam nostram metropolitanam et primitialem Sancti Andree die septimo mensis Marcii, anno Domini millesimo quingentesimo quadragesimo et nostre consecrationis anno tertio.



80. LETTERS OF REVERSION by ARCHIBALD BEATON of Capildrae to SIR JOHN MELVILLE of Raith, of the half of the lands of Turbane. 26th July 1545.

BE it kend till all men be thir present lettres me, Archibald Betoun of Capildra, air lauchfull to vmquhill ane maist reuerend father in God, James Betoun, archibischope of Sanctandrois, primate and legate of Scotland, to be bundin and oblist, and be the tenour hereof bindis and oblissis me to ane honourabill man Johnne Melvill of Raith, knycht, his airis and assignais, that howbeit the said Johnne Melvill sauld and annaliit be plane chartour of selling to the said

vmquhill maist reuerend fader, his airis and assignais, the haill half and sone syde of all and haill his landis of Turbane with the pertinentis liand within the scherefdome of Fiffe and regalite of the Abbay of Dunfermeling for the sovme of sex hundreth merkis gude and vsuall money of Scotland, to be haldin of the abbot, conuent and place of Dunfermeling, as in the charteris and euidentis maid thairupone at mair lentht is contenit, and als the said maist reuerend father gaif to the said Johnne ane reuersioun for redemptioun of the saidis landis vpone the said sovme of sex hundreth markis with this restrictioun and conditioun that gif the said Johnne, his airis or assignaiis, redemit nocht the forsaidis landis within the space of aucht yeris nixt efter the dait of the said reuersioun, in that case the samyn to be expirit in the self and the foresaidis landis to remane perpetualie with the said maist reuerend fader, his airis and assignaiis, efter the tenour of the saidis charteris and euidentis maid to him thairupoun, as at mair lenth is contenit in the said reuersioun; neuertheles I will, grantis and is contentt that quhat tyme and quhow sone the said Johnne Melvill of Raith, knycht, his airis or assignais, vpone ane day betuix the sone rising and dounpassing of the samyn, in the ciete of Sanctandrois, within Sanct Saluatouris College Kirk, contentis and paiis to me, my airis or assignaiis, the sovme of sex hundreth markis vsuall money of Scotland, I, my airis or assignais, being laufullie warnit thairto personalie or be oppin proclamatioun within our paroche kirk on ane Sonday the tyme of the hie mess, on fourty dais warnyng for resait of the said money, than and in that case I, my airis or assignais, sall renunce, quiteclame, and ourgeif all rycht, titill or clame that I, my airis or assignaiis, hed, hes, or mycht haif to the saidis half landis of Turbane, with thair pertinentis, in fauouris of the said Johnne Melvill of Rayth, knycht, his airis and assignais, deliueraris of the said money, and sall renunce, and be thir presentis renunces in that case all chartouris, sesingis, instrumentis and documentis maid to the said vmquhill maist reuerend fader thairupone be resoun of alienatioun foresaid, and is contentit that the said Johnne, his airis and assignaiis, pass frielie thairto according to the lettres of regres maid or to be maid to thame thairupoun: And geif it happinnis me, my airis or assignaiis, to absent our selves fraudfullie or wilfullie fra the resait of the said money, we being lauchfullie warnit thairto as said is, than and in that case it sall be lesum to the said Johnne Melvill, his airis or assignaiis, to putt the said money, extending to sex hundreth markis, in sure kepeing, to the vtilite and proffett of me, my airis and assignais, in the handis of the provest and maisteris of the said college, with command and charge in writt to the saidis keperis to reddelie answer and obey but ony obstakle or impediment, the said sovme of sex hundreth markis to me, my airis or assignaiis, quhen euer thai ar requirit thairto,

and in that case the saidis landis to be frelie redemit as is abone writtin: In witness hereof to thir present lettres of reuersioun, subscriuit with my hand, I haif appendit my sele, at Linlythquow the twenty sext day of Julii, the yeir of God i^{m} v^{c} and xlv yeris, before thir witness, Alexander Wemyss of Lathokker, maister Andro Betoun, parsone of Esse, and Michaell Balfour, with vtheris diuers. ARBELD BETON, vit my hand.

81. LICENCE by QUEEN MARY to SIR JOHN MELVILLE of Raith to procure the exchange of James, Lord Fleming, for an English prisoner in St. Andrews Castle. 1st June 1548.

REGINA.

WE, with auise, consent, and auctorite of oure derrest moder, and of oure tutour, James, Erle of Arrane, Lord Hammiltoun, protectour and governour of our realme, be the tennour heirof grantis and geves licence to oure louit seruitour, Johnne Mailuile of Raith, knycht, to writ in the realme of Ingland for releving of James, Lord Flemyng, being in the said realme furth of the samyn, and that for releving of ane vthir gentilman quhilk wes in the castell of Sanct Androis furth of Fraunce, to be deliuerit for the said lord in Ingland, and will, grantis and faithfully promittis, with auise and consent forsaid, that the said Johnne Mailuile of Raith sall thairfor incur na dangar nor skaith in his persoun, landis or gudis in ony wise, nor salbe callit nor accusit thairfor criminalie nor ciuilie in tyme cuming, dischargeing thairfore all our iustices, iustice clerkis, and all vtheris iugis and ministeris of our lawis, present and to cum, of all calling, following, attaching, arresting, adtornaying, poynding, trubling, proceding or intrometting with the said lard of Raith, his landis or gudis, for the premissis and of thair offices in that part for euir be thir our lettres, subscriuit be our said derrest moder and governour vnder our signet, at Edinburgh the first day of Junii, the yeir of God i^{m} v^{c} fourty aucht yeirs, and of our regnne the saxt yeir. JAMES G.

82. EXTRACT from Justiciary Court Books regarding the trial and condemnation of SIR JOHN MELVILLE of Raith. 13th December 1548.

CURIA Justiciarie supreme domine nostre regine tenta et inchoata in pretorio burgi de Edinburth decimo tercio die mensis Decembris, anno Domini millesimo quingentesimo quadragesimo octauo, coram honorabilibus viris, Andrea Kar de

Dolphintoun, preposito de Edinburcht, et Patricio Barroun de Spittailfeild, Justiciariis deputatis nobilis et potentis domini, Archibaldi, comitis Ergadie, domini Campbell et Lorne etc., Justiciarii generalis dicte supreme domine nostre regine totius regni sui generaliter constituti; sectis vocatis et curia affirmata.

Assisa.

Robert, maister of Sempill.
Andro Lundy of Balgony.
James Sandelandis of Sanctmonanis.
Johnne Edmonstoun of that ylk.
Hew, Lord Someruile.
Gilbert, Erle of Cassilis.
Jhone, Lord Borthuik.
George, Lord Hwme.
Valter Lundy of that ilk.
James Dundas of that ilk.
Villiame Scot of Baluery, knycht.
Dauid Pitkarne of Forthir.
The laird of Reres.
Thomas Scot of Abbotishall.
Williame Hammiltoun of Humbey.
Williame Orrok of that ilk.
Jhone Seytoun of Lathrisk.

The quhilk day comperit in judgement Jhone Maluile of Raith, knycht, ves conwict be deliuerance of the parsons of assise abone vretin, sworne and admittit be the said Johnne, of the dittay and crymes of lese maiestie eftir fallowing, that is to say, of the tressonable ressauing of sindre tressonable vretingis send to him in the monethis of October, Nouember, December, and Januar in the yeir of God j^{m} v^{c} and fourty sewin yeris, be Johnne Maluile, his bastard sone, tratour, furth of Ingland, consauit in hurt and preiudice of our souerane Lady hir realme and lieges, and desiraund the said laird of Rayth to be helplye and gude to the Inglis captanis and innemys than being in the fortalices of Sanct Colmis Ynche and Brouchty Craig, as his awin missiue bill send to the said Jhone his sone, quhilk he grauntit to be vrittin and subscriuit be him in iudgement in presens of the said assise, proportit and bwir: Item, convict of the tressonable hyding and conceling of the said tressonable vrittinges fra my lord gouernour and counsale of Scotland, nocht reveland the samyn to thame lik as he awght to haue done of the dwetie of ane trew subiect: Item, convict of the tressonable sending of his vrittingis and ansuer to the said Johnne Mailuile, tratour, in the said moneth of Januar, the yeir of God foirsaid, and of the tressonable counsaling of him to serue trewlye our saidis auld innemeis, and not to lippin for any kyndnes in thir partis sa lang as this auctorite of Scotland rang, lik as his said bill vreting subscriuit be him as said is proportit and bwir: Item, for the tres-

sonable seruing, assistance, furthering and furthbering at his vter powar of the ewill and mischeuous purpoissis and effaris of vmquhille Henry the Aucht, King of Ingland, had and taken towart the hurt of the subiectis of this realme in the monethis of Januar, Februar, Marche, Aprille, and Maii in the yeir of God j^{m} v^{c} and xlvi yeris, in hope to haue gottin the said King Haryis hie and great reward thairfore, to the takin he vreit expreslie in the said vreting send to his sone foresaid at the tyme abone vreting thir vordis, My gude freindis the lairdis of Ormastoun and Monquhany, and Niniane Cockburne can aduerteis quhat my part hes bene sene the feild and afore, my gude brethir and companzeons, capitane Schir Johnne Borthuik, Doctour Durhame and Johnne Leslie can testifie of the first purpose vas done that vas plesaunt to the kinges Maiestie quhom God assoilze, and beleuit I suld haue bene rememberit vith ane of the first in thir partis, as his said vritting shawin and confessit be him in iudgement as said is, proportit and buir: Item, of the tressonable aduertising of his said sone and our auld innemeis of Ingland of the secretis and effaris of Scotland sa far as he culd get knawlege of continualy sen the deceass of vmquhile our soueraine Lord, quhame God assolze, and speciallie in the moneth of Januar, aduertisaund theme that the Erle of Argile, Lieutenent of Scotland in thai partis, vas preparand to mak starklie vpone Dunde and Inglis men being thairin, and thairfore consaland his said sone, becaus he culd not get sic conuoying of his lettres and aduertesing as he vold, to cum in Lowthiane to get intelligence of the effaris of this cuntre, that he myght aduertysh the Protectour of Ingland thairof, as the said vreting beris contenand thir vardis—For nowellis, the Erle of Ergyle makis starklye vpon Dunde; had ye licence of my Lord Protectour to cum in Lowthiane, ye myght get great intelligence, and do gude seruice to my Lord Protectour: Item, of the tressonable promitting to his said bastard sone that he suld aduertys the laird of Ormastoun at lenth of all thinges that occurrit vithin this realme that the said laird of Ormastoun myght aduertysh the said laird of Rathis sone foresaid thairof, and he the Protectour of the samyn. Efter the quhilk conwictione the saydis justice deputis, be pronunciacioun of Thomas Hall, dempstare of the said court, adiugit and for dome gaue that the said Jhone Maluile suld be had, etc. . . . And that all his goodis, mowable and vnmowable, landis, heritage, possessions, takkis, stedingis, cornis, cattall, and vthirris quhatsumeuer, suld pertene to our souerayne lady be reasoun of esheit of forfaultour to be vptakin and disponit be hir hienes at hir plesur. Extractum de libro actorum adiornalis dicte supreme domine nostre regine per me Joannem Ballantyne, Justiciarie eiusdem generalem [clericum] sub meis signo et subscriptione.

83. COPY LETTER sent by SIR JOHN MELVILLE of Raith, to his natural son, JOHN MELVILLE, referred to in the foregoing Extract. 10th January 1548.

Jesus esto mihi Jesus.

SONE, eftir commendacyon I hawe resawit syndry wryttinges of youris makand mention that ye wald I wer good and weilwilland to the Captanis of Browchtie and Sanct Colmis Ynche. Ye sal wyt that it standis so with me that I may nocht do as I wald openlie. But I hawe bene of gud mynd toward the besynes that the said captanis hes ado in thir partis for ye and vther freindis beyng qwhar ye are knawis that I dwell amang vnfaythfull neighbowris qwha hes cawsed the autoryte to be extreme to me and my freindis. But, thankis to the Lord, I hawe pwt of the worst, my gud freind the laird of Ormistonne and Monqwhany and Niniane Cokborn can adwertis qwhat my part hes bene sene the feild, and befor; my gud brether and companions, Captane Schir Jhone Borthik and Doctour Durhame and Jhone Leslye can testifie of the fyrst purposs was done that was plesand to the Kyngis Maiestie, quhom God assoilze, and belewid I swld hawe bene remembrit with ane of the fyrst in thir partis. As for nowellis it is belewid that thir Frenchemen swld desyr part of castelles, and qwhat the qwene and gowernour consentis to I can not wreit. The Erle of Ergyle makis stark and cumis one Donde. Had ye lycence of my Lord Protectour to cume in Lowdeane ye mycht get great intelligence, and do gud serwice to my Lord Protectour. As this contrey standis ye may not weill be heir withowt hurt to freindis. The gentillmen that is in Fraunce is all ewill tretit and put in sindry partis fra vtheris; myght thay be relewit thay mycht do my Lord Protectour gud seruice. Thai will get na help of this contre. I hawe gottin the lard of Grange twa sonnis relewit furth of ward, and swa is the lady of Grange and sewin of hir barnis, and hes not bot I gewe them. I hawe send to the lard of Ormistoun as ye wreit. I can geit na payment of Dawid Sybbet. The lard of Mawhill hes payed. Sumter of Ochtermoinsse sayes he borrowit in the campe viij crounis fra the laird of Monqwhany, and payit his taker qwhen the army lay in Leith, and all vther thingis that occurris I sall adwertes the laird of Ormistoun into wreit at lenth and serwe trewly qwhar ye are and lippen after na kyndnes in thir partis sa lang as this authorite rynges and commend me to speciall freindis Capten Schir Jhon Borthik and Doctor Durhame, and Jhone Leslye, with Walter Malwill and Walter, and sva fair ye weill in the Lord. Of the Rayth the x day of Januare be your father Jhone Malwill of Rayth, knycht.

xiij Decembris, anno Domini 1548.

Curie justiciarie supreme domine nostre regine tente apud Edinburgh coram Patricio Barroun de Spittelfield, justiciario deputato Archibaldi, comitis de Ergile, etc., justiciarii generalis totius regni Scotie. Quo die Johannes Malwile de Rayth miles in facie judicii confessus est hanc sedulam scriptam sua propria manu et per eum myssam suo filio naturali; supra quibus aduocatus regius petit instrumentum.

JOHANNES BALLENTYNE, clericus justiciarie.

84. CHARTER by DAVID HAMILTON, third son of James, Earl of Arran, to KATHERINE, daughter of SIR JOHN MELVILLE of Raith, of Shawsmylne. 1st July 1549.

OMNIBUS hanc cartam visuris vel audituris, Dauid Hammyltoun, filius tertio genitus Jacobi, Arranie comitis, domini Hammiltoun, regni Scotie protectoris et gubernatoris, salutem in Domino sempiternam: Sciatis quod serenissima domina nostra, Maria, Dei gratia Scotorum regina illustrissima, cum auisamento et consensu prefati mei patris, sui protectoris et gubernatoris, per litteras suas presentationis sub testimonio sui magni sigilli dilectam suam Katherinam Mailuile, filiam quondam Johannis Mailuile de Rayth, militis, ad totum et integrum molendinum Schawis mylne nuncupatum cum multuris, sequelis, terris molendinariis, toftis, croftis, domibus, edificiis et omnibus suis pertinentiis, jacens infra vicecomitatum de Fyffe, quod sibi perprius hereditarie pertinuit, per ipsam de prefato quondam Johanne Mailuile tentum in capite, et nunc in manibus predicte supreme domine nostre regine ratione eschaete deuenit ob forisfacturam super dictum quondam Johannem rite deductam pro certis proditionis et lese maiestatis criminibus per ipsum commissis, de quibus in parliamento conuictus fuerat, post cuius forisfacturam deductionem prefata suprema domina nostra regina, cum auisamento prefati sui tutoris, me tenentem venerabili in Christo patri, Georgio, commendatario monasterii de Dunfermling, superiori integrarum terrarum de Rayth, presentauit, quarum dictum molendinum vna pars et pendicula existit, et ego, virtute dicte presentationis sasinam earundem obtenui, et sic, vt superior prenominate Katherine in loco dicti quondam Johannis deueni; et propterea prefatam Katherinam in tenentem hereditarium dicti molendini presentauit, mandando quatenus dictam Katherinam suum presentatum mihi in tenentem hereditarium predicti molendini terrarum et pertinentiarum suprascriptarum reciperem, prout in prefatis presentationis literis mihi desuper directis latius continetur; ego igitur dictis literis regiis vt teneor obedire volens, ac pro certis pecuniarum summis patri meo antedicto nomine meo et ad vtilitatem meam per dictam Katherinam per-

solutis cum consensu et assensu prefati patris mei, mei legitimi administratoris et tutoris, dedi, concessi et hac presenti carta mea confirmaui, necnon do, concedo et hac presenti carta mea confirmo dicte Katherine et heredibus suis totum et integrum prefatum molendinum, Schawis mylne nuncupatum, cum multuris, sequelis, terris molendinariis, toftis, croftis, domibus, edificiis et omnibus suis pertinentiis, ipsos mihi in tenentes hereditarios eiusdem suscipiendo: Tenendum et habendum totum et integrum prefatum molendinum cum multuris, sequelis, terris molendinariis, toftis, croftis, domibus, edificiis et omnibus suis pertinentiis, dicte Katherine et heredibus suis, de me et heredibus meis, in feodo et hereditate imperpetuum, cum libero introitu et exitu ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictum molendinum spectantibus seu iuste spectari valentibus quomodolibet in futurum, et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut prefatus quondam Johannes vel predecessores sui prefatum molendinum cum terris molendinariis et pertinentiis suis suprascriptis ante prefatam forisfacturam liberius tenuit seu possedit tenuerunt seu possederunt: Reddendo inde annuatim dicta Katherina et heredes sui mihi et heredibus meis vnum denarium vsualis monete regni Scotie apud dictum molendinum in die festi Penthecostis nomine albe firme, secundum tenorem antiqui sui infeofamenti per ipsam de prefato Johanne prius habiti tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari que de predicto molendino cum pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et ego uero, cum consensu et assensu prefati mei patris, totum et integrum prefatum molendinum cum multuris, sequelis, terris molendinariis, toftis, croftis, domibus, edificiis et omnibus suis pertinenciis, dicte Catherine et heredibus suis, in omnibus et per omnia, forma pariter et effectu, vt premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum meum, vnacum mea subscriptione manuali calamo apposito, necnon sigillo et subscriptione manuali prefati mei patris in signum sui consensus et assensus ad premissa presentibus est appensum, apud Edinburgh primo die mensis Julii anno Domini millesimo quingentesimo quadragesimo nono, coram hiis testibus, Johanne Archiepiscopo Sanctiandree, etc. Roberto Carnagy de Kynnaird, Alexandro Guthry et Matheo Hammiltoun de Milneburne, cum diuersis aliis.[1]

JAMES G.

DAVID HAMMELTOUNE, with my hand at the pene.

[1] There is also following upon the charter a precept of sasine by David Hamilton, for infefting Katherine Melville, of same date.

85. APPEAL by HELEN NAPIER, relict of Sir John Melville of Raith, against sentence of excommunication. 30th March 1550.

IN Dei nomine Amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quingentesimo quinquagesimo, mensis vero Martii die penultimo, indictione octaua, pontificatus sanctissimi in Christo patris et domini nostri domini Pauli diuina prouidentia pape tertii anno decimo sexto, seu alias, sacrosancta sede apostolica per obitum prefati sanctissimi nunc vacante; in mei notarii publici et testium infrascriptorum presentia personaliter constituta honorabilis mulier, Elena Naper, vidua relicta quondam honorabilis viri, Joannis Melwill olim de Rayth, militis, animo et intentione (vt asseruit) prouocandi et appellandi et que realiter et cum effectu secundum formam chedule appellacionis dandam de facto appellauit et prouocauit. Quam appellacionis chedulam mihi notario publico subscripto in hanc instrumentalem formam publicam redigendam tradidit, cuius chedule tenor sequitur:— CUM appellacionis seu prouocationis remedium ab vtroque iure sit salubriter introductum vt nedum lesis, grauatis et oppressis, verum etiam plus posse ledi, grauari et opprimi se formidantibus in futurum eius presidio debite succurratur. Hinc est quod ego Elena Naper, relicta quondam honorabilis viri Joannis Melwill olim de Rayth, militis, sentiens me lesam, grauatam et oppressam, timensque me plus posse ledi, grauari et opprimi in futurum, per vos reuerendissimum in Christo patrem Joannem miseratione diuina Sancti Andree archiepiscopum, totius regni Scotie primatem, legatum natum, vestrumve officialem Sancti Andree principalem aut alios vestros ad hoc commissarios seu deputatos. Ex eo primo quia vos, reuerendissime archiepiscope predicte, per vos seu prefatum vestrum officialem aut alios vestros deputatos, ad instantiam et pro parte cuiusdam domini Georgii Kedzow asserti capellani quasdam pretensas vestras literas monitoriales simplices cum exequutione parata seu alias literas vestras ordinarias super quadam pretensa asserta prouisione sua cuiusdam pretense capellanie ipsius contra singulos reddituarios et alios ad obtemperandum eidem de fructibus, mercedibus, annuis censibus ac redditibus annuis pertinentibus ad suam pretensam capellaniam, nuncupatam capellania[m] Joannis Multra de Markhensche ac situatam infra ecclesiam parochialem de Kingorn Estir, necnon contra me ad persoluendum eidem domino Georgio Kedzow, asserto capellano predicto, de duodecim merchis monete vsualis regni Scotie tanquam eidem debitis de terminis Pentecostes et diui Martini vltimo preteritis anni quadragesimi noni seu de aliis summis, vt asseritur, debentibus eidem vt capellano dicte capellanie pro dictis terminis seu aliis per eum annuatim

leuandis et percipiendis de terris de Rayth, Pitconmur et Turbane, jacentibus infra barroniam et vicecomitatum de Fiff seu forsan aliis terris, fulminastis seu emanari fecistis acsi essem earundem do[mina et] possessor seu alias possiderem et tenerem predictas terras: De quarum literarum fulminatione sic emanatarum contra me seu aliter nunc infra vnam horam ante hanc meam interpositam appellacionem jampridem et de nouo ad antea de quo vobis notario publico harum serie solemnitatem legalem et fidem facio: Et id qui . . . (posito apud me concesso) quod ex huiusmodi terris olim debebatur ex aliquo fortuito casu, titulo, racione seu quouis iure ad tempus seu aliter tanta merces annue capellano prefate capellanie de predictis terris, attamen eedem terre nunc imo ante predictum festum Pentecostes anni quadragesimi noni in hunc miserabilem statum et casum deuenerunt, quod ex eisdem terris ego vt occupatrix seu cultrix earundem huiusmodi annuam mercedem eidem domino Georgio vt capellano nec soluere aut satisfacere debeo quouis iure titulo aut ratione, quia eedem terre ante dictum festum Pentecostes deuenerunt in manibus serenissime nostre principisse Marie regine moderne ac illustrissimi domini nostri gubernatoris Jacobi, comitis Arranie, eiusdem nostre regine protectoris, seu reuerendi in Christo patris Georgii miseratione diuina abbatis de Dumfermling et conuentus eiusdem, tanquam dominorum superioritatis omnium et singularum predictarum terrarum necnon totius dominii et terrarum de Rayth, ratione obitus dicti quondam militis, mei sponsi, ad mortem adiudicati propter nonnulla crimina per eum (vt asserebatur) perpetrata contra serenissimam dominam nostram Mariam reginam predictam. Et pretextu confiscationis omnium bonorum ipsius quondam militis, mei sponsi, tam immobilium quam mobilium, terrarum ac dominii eiusdem, et prout de presenti in manibus prefate serenissime domine nostre regine et prefati illustrissimi domini gubernatoris seu abbatis et conuentus monasterii de Dumfermling predicti tanquam superiorum earundem sunt et extant. Secundo, prefatus annuus redditus si qui ex terris specificatis in literis dicti domini Georgii Kedzow de dominio de Rayth ex ipsis quondam dominis de Rayth concessus quoquo modo iure seu titulo extiterat, seu terre ex ipso dominio per dominos [de] Rayth pro tempore donate extiterant, nunc idem annuus redditus ex eisdem terris annuatim leuandus; necnon et ipse terre tam libere per predictam confiscationem et publicationem bonorum dicti quondam militis intuitu mortis eiusdem et assertorum scelerum per eum perpetratorum reuerse sunt ad dominos superioritatis earundem acsi ab initio nunquam fuerint concesse, et sic nullo iure, nullo titulo, nulla causa seu racione extat talis annuus redditus seu merces ex huiusmodi terris annuatim soluendus eidem domino Georgio Kedzow capellano nisi ab initio idem annuus redditus seu terre fuerint et sint et ipse terre mortificate in perpetuum ad mortuam manum

ecclesie quod minime extat factum. Tertio, ego si et in quantum easdem terras seu aliquas ex dominio de Rayth colo, manuro aut laboro, id quidem facio iure, causa et titulo, seu potius tollerantia et patientia supreme domine nostre regine et domini nostri gubernatoris seu aliorum superiorum earundem terrarum in quorum manibus de presenti extant, quare minime vllo iure cogerer ad quicquam inde soluendum prefato domino Georgio, quare eedem litere nulliter, perperam, male et inique et absque omni cause cognitione, nulla citatione contra me preuia aduersus me emanata (vestra reuerendissima paternitate et reuerentia, vt par est, semper saluis) indebite, male, perperam et inique vt supra : Ob igitur premissa grauamina mihi alias illata et grauiora in posterum forsan inferenda a vobis R[euerendissimo patre in Christo] vestroque officiali ac deputatis seu deputandis, pluribus aut vno, vestrisque pretensis literis contra me emanatis predictis ac monitionibus, excommunicationibus, aggrauationibus, reaggrauationibus, interdicti sententiis aliisque sententiis, censuris quibuscunque per vos vestrumve officialem seu deputatos latis seu ferendis, fulminatis seu fulminandis, ad sanctissimum [in Christo patrem] et dominum nostrum dominum Paulum diuina prouidencia papam tertium modernum, ac sacrosanctam sedem apostolicam in his scriptis prouoco et appello ac apostolos peto cum instancia debita et vicibus repetitis, subjiciensque me omniaque bona mea mobilia et immobilia presentia et futura tuitioni, protectioni et omnimode defensioni dicti sanctissimi domini nostri pape, eiusque sacrosancte sedis apostolice: Protestans solemniter de hanc meam appellationem addendo, diminuendo, corrigendo et ad calamum reformando, quocies opus fuerit et de iure licebit; cum ceteris clausulis necessariis et oportunis omnibus. Super quibus omnibus et singulis prefata Elena a me notario publico subscripto petiit sibi fieri instrumentum seu instrumenta publicum seu publica, vnumve plura. Acta erant hec in ecclesia parochiali de Kyrkcaldy, horam circiter duodecimam meredianam, sub anno, die, mense, indiccione et pontificatu quibus supra. Presentibus ibidem Joanne Halden, Jacobo Mwresoun, Thoma Hutsoun, Jacobo Litster, Patricio Pratt, domino Symone Cowane, capellano, cum diuersis aliis testibus, ad premissa vocatis pariter et rogatis.

Et ego Walterus Ninian, presbyter Sancti Andree diocesis, publicus auctoritate apostolica notarius, quia [*etc. in forma communi*].

[Dorso.] Die quinto mensis Aprilis anno etc. quinquagesimo, indictione et pontificatu retroscriptis, intimata fuit hec presens retroscripta appellatio per magistrum Johannem Robisoun, procuratorem appellantem, apud stallum Reverendissimi Sancti Andree infra chorum in ecclesia metropolitana eiusdem, qui illic accessit gratia petendi apostolos a reuerendissimo Sancti Andree moderno. Et quia idem

reuerendissimus nunc deget vltra civitatem Sancti Andree, cuius personalem presenciam nequit habere pro apostolos petendo et recipiendo, quos primo secundo tertio trina vice ibidem apud stallum debite cum instancia petiit et postulauit, et causante absencia dicti reuerendissimi et dicta sua petitione protestatur quod huiusmodi intimatio et apostolorum petitio ac requisitio ipsius reuerendissimi apud stallum, vt predicitur, habeantur et reputantur loco apostolorum, et quod huiusmodi appellatio reputatur pro legitima intimata. Super quibus dictus magister Johannes Robison actornatus a me notario publico subscripto sibi fieri petiit instrumentum seu instrumenta. Acta erant hec infra ecclesiam metropolitanam Sancti Andree hora circiter decima antemeridiem aut eocirca; presentibus ibidem venerabilibus viris, domino Andrea Ballon, priore de Inchmaholmo, Magistro Patricio Cokburn, et honorabilibus viris, Henrico Dovglas, filio Henrici Dovglas de Drumgarland, Bartholomeo Levynstoun et domino Thoma Colling, capellano, testibus requisitis et teste et mea manuali subscriptione.

. . . .

Quinto Aprilis predicto prefatus Magister Johannes Robison, procuratorio nomine quo supra, intimauit presentem appellacionem domino officiali Sancti Andree principali et apostolos petiit judicialiter; quiquidem dominus officialis judicialiter solo uerbo contulit apostolos refutatorios, et desuper prefatus magister Johannes Robison procuratorio nomine quo supra petiit instrumentum. Acta erant hec judicialiter infra ecclesiam metropolitanam Sancti Andree hora intermedia ad vndecim ante meridiem aut eocirca, coram his testibus Magistris Jacobo Rolland, Andrea Trayll, Jacobo Tuedy, Johanne Sybbald, et Johanne Brovn, requisitis et teste mea manuali subscriptione.

G. MAKESOUN, notarius in premissis requisitus manu sua scripsit.

86. PROTECTION by MARY, QUEEN OF SCOTS, to JAMES KIRKCALDY of Grange and MR. HENRY BALNAVES of Halhill. 17th February 1556.

MARIA, Dei gratia Scotorum regina, vicecomitibus nostris Edinburgi, Stirlingi, Fifæ, Perthæ et eorum deputatis ac vicemgerentibus, necnon dilectis nostris Leoni armorum regi, Rossæ, Butæ heraldis, Richardo Trowp, nunciis, vicecomitibus nostris in hac parte coniunctim et diuisim specialiter constitutis, salutem: Quatenus nos ex speciali gratia et fauore nostraque authoritate reginali, et rogante ac requirente charissimo patre nostro christianissimo Galliarum rege, condonauimus ac remisimus dilectis nostris Jacobo Kyrkcaldy a Grange et magistro Henrico Balnaues a

Halhill omnia prodicionis et lesæ maiestatis crimina vnaque quæuiscumque alia crimina per eos aut eorum quemuis quouis tempore anteacto ante datam presentium, maxime autem turbulento tempore nostræ minoritatis et infantiæ facta et commissa; eosque in nostram pacem, fauorem, misericordiam et gratiam tamquam nostros fideles et obedientes subditos recipimus, veluti in nostris remissionis et indulgentiarum literis eisdem desuper datis et concessis fusius ac latius continetur et exprimitur: Veruntamen si nos tolerare contingat eos aut eorum quemlibet citari aut in ius vocari coram iudice quouis, aut iudicibus spiritualibus aut temporalibus intra fines nostros, quouis de crimine antedicto ad instantiam cuiusuis partis particularis, ciuiliter aut criminaliter, veluti nostrarum legum rigor exigit, (maxime autem circa ea quæ commiserunt tempore obsidionis arcis Sanctiandreæ), quæ nostra est misericordia et gratia magis illis obfuisse quam profuisse videretur, fauore et gratia versis in odium ac rigorem eadem poena proposita nocenti atque innoxio, dum versa vice quæ in illos grata et misericors extiteramus atrox et seuera facta videbimur, atque fiet vt gratiam et misericordiam nostram nullus consequatur effectus: cum quæ ab illis commissa et perpetrata sunt crimina, ac illis præcipue imputanda veniunt, facta et commissa sunt tempore obsidionis arcis Sanctiandreæ, dum per nostram authoritatem et copias illorum vita et sanguis oppugnabatur et adiuuantibus copiis charissimi patris nostri Galliarum regis christianissimi armorum vi atque potentia eiecti atque expugnati sunt: Itaque quæ ab eis commissa sunt crimina atque maleficia in vite capitisque discrimen ne caderent (quæ vnicuique lege naturæ tueri licet) facta et perpetrata censentur. Nos igitur præmissorum rationem exacte ponderantes et diuersis aliis racionibus motæ, prædictos Jacobum Kyrkcaldy a Grange et magistrum Henricum Balnaues a Halhill, authoritate nostra supradicta, eos et eorum quemlibet sub nostra protectione, saluagardia et defensione suscepimus, eosque eximimus et eorum quemlibet tenore presentium suscipimus et eximimus ab omnibus iudicibus tam spiritualibus quam temporalibus intra terminos regni nostri quauiscumque de causa aut crimine quod illis imputari poterit ante datam presentium, tam ciuiliter quam criminaliter, maxime vero et precipue a tempore quo prædictam arcem ingressi sunt vsque ad diem concessionis ac datæ presentium, hancque nostram exemptionem, protectionem, saluagardiam et supersedere volumus inuiolatam seruari et custodiri pro spacio et tempore duorum annorum proxime et immediate sequentium datam presentium. Volumus igitur et stricte precipiendo mandamus vobis et vestrum cuilibet quatenus, visis presentibus nostris literis, nostro nomine et authoritate requiratis, imperetis et precipiatis cancellario nostro, dominis consilii et sessionis iusticiæ, iusticiarie clerico et aduocato nostro, necnon omnibus aliis iudicibus et officiariis, tam spiritualibus quam temporalibus generaliter et specialiter intra

fines nostros, nequis illorum presumat concedere aut dare cedulas aut literas ad instantiam cuiusuis personæ aut partis constitute intra terminos regni nostri contra et aduersus predictos aut eorum quemuis, quauiscunque de causa, actione aut crimine, factis aut commissis per eos aut eorum quemlibet durante tempore prescripto, absque speciali consensu, licentia et mandato nostro aut charissime matris nostre, Mariæ, Reginæ viduæ, regni nostri protectricis, gubernatricis et vices nostras in eodem gerentis: Quinimo desinant atque desistant illos quouismodo citare aut in ius vocare, aut contra et aduersus eos procedere quouis quæsito colore, vt supradictum est, sub omni poena et mulcta in quam cedere possunt contra maiestatem nostram reginalem et authoritatem hac in parte; deponendo eos et eorum singulos suis officiis ea ex parte si ipsi aut ipsorum aliqui presumant aut intendant obstare et contrauenire huic nostre plenarie et mature deliberationi et voluntati hac in parte: Datum Lutetiæ Parisiorum, sub nostris manuali subscriptione et signeto, die xvij^a^ mensis Februarii anno Domini millesimo quingentesimo quinquagesimo sexto, et regni nostri anno decimo quinto.

MARIA

Per Reginam
DE GRANTRYE.

(*Dorso*):—Vpon the xxiiij day of Maij, the yeir of God I^m^ v^c^ lvij yeiris, I Richert Trollop, maser, ane of the scherefis in that part within constitut, past at the command of thir our souerane ladeis lettres to the mercat croce of the burght of Edinburght, and thair be oppin proclamatioun maid oppin and plaine publicatioun of the exemptioun, salfgard, protectioun, and supersedere grantit and gevin be our souerane lady, the quenis grace, for the space within writin, to James Kircaldy of the Grange and Maister Henrie Balnaues of Halhill, and ilk ane of thame, exeming and superseding thame, and ilk ane of thame, fra all jugis, als weill spirituall as temporall, within hir graces realme, and ansuering befoir thame for quhatsumeuer caus or cryme may be imput or laid to thair charge, ather criminall or ciuile, befoir the dait of thir within writin lettres in all tyme bigane, and speciali sen thair entering within the castell of Sanctandrois, to be on callit and on persewit be quhatsumeuir persoun or personis during the spaice forsaid and within writin; and als maid inhibitioun to hir graces chanceler, lordis of consale and sessioun, justice clerk and aduocat, and to all vtheris iugis and officiaris, als weill spirituall as temporall, within this realme, that nane of thame presume nor tak vpon hand to grant, gif or deliuer precept, letter, or bill, at the instance of quhatsumeuer persoun within this realme aganis thame, or ony of thame, for quhatsumeuer caus, actioun, or crime committit be thame, or ony of

thame, in tyme bigane, without hir graces licence and consent obtenit thairto, and dischargit the saidis chanceler, lordis of sessioun, justice clerk and aduocat of thair office, and all proceding aganis the saidis James and Maister Hendrie, or ony of thame, as said is, vnder all hieast paine and charge thai micht incur aganis hir Maieste in that caice eftir the forme and tenour of the lettres within specifyt, and of hir graice relaxatioun and restitutioun grantit and gevin to the saidis personis, and publisit and proclamit the day and dait heirof in all pointis: And this I did befoir thir witnes, Lyon and Rossa herauldis, Bute and Carrik pursevantis, William Barry, messinger, Alexander Guthre, Creichtoun of Lugtoun, yownger, Androw Sclater and James Nicholsoun, wyth vtheris diuers, and for the mair witnessing to this my executioun and indorsatioun, my signet is affixit.

87. RETOUR of JOHN BROWN, as heir of his mother, Katherine Melville, in Shaw's mill. 10th February 1558.

HEC inquisitio facta est in pretorio de Dunfermling, decimo die mensis Februarii, anno Domini millesimo quingentesimo quinquagesimo octauo, in curia regalitatis de Dunfermling, coram honorabilibus viris, Patricio Halkheid de Pytfyrran, et Villelmo Dwrie, balliuis dicte regalitatis coniunctim et diuisim, per hos honorabiles viros subscriptos, videlicet, Willelmum Orrok de eodem, Archibaldum Prestoun de Valayfeild, Patricium Blacater in Myllhyllis, Joannem Futhye de Fodismyll, Henricum Valleng in Woster Gellat, Joannem Bruce in Luscour, Cudbertum Blacater de Blair-hall, Jacobum Kellok in Maistertoun, Willelmum Kent ibidem, Thomam Mwdy ibidem, Adam Stinsoun in Bwrn-mowth, Willelmum Anderson in Voster Gellat, Andream Valcar ibidem, Willelmum Bwrn in Ester Gellat, Robertum Gray in Dunfermling; qui iurati dicunt quod quondam Katerina Mailveill, filia quondam Joannis Mailveill de Retht, militis, et mater dicti Joannis Brown, obiit vltimo vestita et sasita vt de feodo, ad fidem et pacem supreme domine nostre regine, de toto et integro molendino nunccupato Schawis Myll cum multuris, sequelis, terris molendinariis, toftis, croftis, domibus, edificiis et singulis suis pertinenciis, jacente infra vicecomitatum de Fyfe et regalitatem de Dunfermling; Et quod dictus Joannes Brown est legittimus et propinquior heres dicte quondam Katerine Mailveill, sue matris, de dicto molendino, multuris, terris molendinariis, cum pertinenciis; Et quod est legittime etatis respectu sue infeodationis; Et quod dicte terre tenentur in firma alba de Dauide Homyltown, tertio filio nobilis et potentis Domini Jacobi, comitis de Arraine et Domini de Homyltown, pro solutione vnius denarii vsualis monete regni Scotie apud dictum molendinum in festo Penthicostes annuatim, si petatur tantum; Et quod dictum

molendinum et terre fuerunt in manibus dicti Dauidis Homyltown, tanquam superioris earundem, per spacium duorum terminorum per decessum dicte quondam Katerine, sue matris, que obiit in mense Maio vltimo elapso, per defectum dicti Joannis Brown, legitimi heredis, jus suum hucvsque minime prosequentis: Et quod dictum molendinum cum multuris et terris molendinariis et pertinenciis valent quadraginta denarios tempore pacis, et nunc annuatim viginti sex solidos octo denarios: In cuius rei testimonium sigilla baliuorum et quorundam eorum qui dicte inquisitioni intererant presentibus sunt appensa, apud Dunfermling, anno, mense et die quibus supra.

88. CHARTER by FRANCIS and MARY to ROBERT MELVILLE, of two annual rents. 10th October 1559.

FRANCISCUS et Maria, Dei gratia Rex et Regina Scotorum, Delphinus et Delphina Viennensis, etc., omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos post nostram legitimam et perfectam etatem duodecim annorum completam, ac generalem reuocationem in nostro parliamento factam, dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto nostro seruitori, Roberto Mailuile, heredibus suis et assignatis, totum et integrum vnum annuum redditum quadraginta vnius marcarum trium solidorum et quatuor denariorum monete regni nostri annuatim leuandum et percipiendum de totis et integris terris dominicalibus de Hiltoun de Rossyith cum pertinenciis, ac vnum annuum redditum duarum marcarum decem denariorum annuatim de eisdem terris leuandum: Quiquidem annui redditus respectiue suprascripti annuatim de terris dominicalibus predictis leuandi Johanni Mailuile de Raith militi perprius pertinuerunt, et in manibus nostris ratione eschaete deuenerunt ob forisfacture processum super dictum Johannem rite deductum pro certis proditorie et lese maiestatis criminibus per ipsum commissis, de quibus in parliamento nostro conuictus extitit, prout in processu et forisfacture decreto contra ipsum desuper rite deductis latius continetur et nunc in manibus nostris deuenerunt et nobis ratione reuocationis nostre antedicte pertinent: Tenendum et habendum totum et integrum dictum annuum redditum quadraginta vnius marcarum trium solidorum et quatuor denariorum monete predicte annuatim leuandum de totis et integris terris dominicalibus de Hiltoun de Rossyith cum pertinenciis, acetiam totum et integrum dictum annuum redditum duarum marcarum decem denariorum annuatim de eisdem terris leuandum, dicto Roberto, heredibus suis et assignatis, de nobis et nostris successoribus, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine, cum libero introitu et exitu ac cum omnibus

aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac iustis pertinentiis suis quibuscunque ad predictos annuos redditus spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua reuocatione aut contradictione quacunque: Reddendo inde annuatim dictus Robertus, heredes sui et assignati, nobis et nostris successoribus, jura et seruicia de dictis annuis redditibus solita et consueta: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendissimo in Christo patre Johanne, Archiepiscopo Sancti Andree, etc., dilectis nostris consanguineis, Georgeo, comite de Huntlie, domino Gordoun et Badzenach, etc., cancellario nostro, Jacobo, comite de Bothuile, domino Halis et Creichtoun, etc., venerabili in Christo patre, Donaldo, abbate monasterii nostri de Cupro, nostri secreti sigilli custode, dilectis familiaribus nostris, magistris Jacobo Makgill de Rankelour Nethir, nostrorum rotulorum registri ac consilii clerico, Johanne Bellenden de Auchnoule, nostre justiciarie clerico, et Alexandro Levingstoun de Donypace, nostre cancellarie directore, apud Edinburgh, decimo die mensis Octobris, anno Domini millesimo quingentesimo quinquagesimo nono et regnorum nostrorum annis primo et decimoseptimo.[1]

89. RESIGNATION by ROBERT MELVILLE of Murdochcairnie, of the two annual rents from the Mains of Hiltoun of Rossyth, in favour of his brother, JOHN MELVILLE of Raith. 31st December 1560.

I, ROBERT MAILUILL of Murdocairny, be this present, for me, my airis, executouris, and assignayis, renuncis, resignis, dischairgis and ouregevis all and haill that ane annuelrent of fourtie ane merkis thre schillingis and foure penneis money of this realme, and of that vther annuelrent of twa merkis and ten penneis yeirly, to be vpliftit, at twa termis in the yeir, off all and haill the landis of the manis of the Hiltoun of Rosyth, with the pertinentis, and all clame, richt, and titill of richt, that I or ony be my richt had, hes, or micht haif, to the saidis annuells or ony pairt thairoff, in ony tyme bigane or to cum, and that in fauouris of my belovit brother, Johne Mailuill of Raith, his airis and assignayis, for the luif and fauour I beir to him, sua that he, his airis or assignayis, may peciabillie bruik and jois the samyn, as air to our vmquhile father, without ony impediment or obstakill to be done to thame thairin be me or ony be my richt, and farther obliss me and my airis, gif neid beis, to resigne the samyn in my superiouris handis thairoff

[1] There are also (1) a precept of sasine by Francis and Mary to Robert Melville, following on the above charter of same date; and (2) instrument of sasine in the annual rents on the Mains of Hiltoun of Rossyth, dated 3d November 1559.

in his fauouris, for infeftment to be gevin of the samyn twa annuelrentis to the said Johne, his aires and assignayis, heretabillie as efferis, and to mak him suir thairoff, safer as concernis my richt of the samyn, providing that I nor my airis be nocht obleist to ony warrandice thairin except safer as the richt quhilk I haif may extend to; and gif my richt be nocht gude without my default, that I on na wyis be obleist for farther warrandice, nor the validitie and goodness thairof may haiff: In witnes of the quhilk I haif subscriuit this present with my hand, at Edinburgh the last day of December the yeir of God I^{m} v^{c} thre scoir yeiris, befoir thir witness, Androw Meluyll, Wylzem Chryhtown, Robert Wrowyng, and dyuers wthers. ROBERT MELWYLL of Karneye with my hand.

90. CONTRACT between JOHN MELVILLE of Raith and ROBERT MELVILLE, his brother, for infefting the latter in the lands of Murdochcairnie. 18th March 1560.

AT Edinburgh, the xviij day of Marche, the yeir of God i^{m} v^{c} lx yeiris, it is appointit, aggreit, and finallie contractit betuix honorabill men, Jhone Melvill of Raith, on that ane parte, and Robert Melvill, his bruder germane, on that vther parte, in maner following; that is to say, the said Jhone Melvill sall incontinent how sone he gettis reductioun of his faderis foirfaltour or securitie vtherwyis of his landis of Rayth, with the pertinentis, gyff our and resigne in fauouris of the said Robert his bruther all and haill the thre quarteris of his landis of Mvrdochecarnye, with the pertinentis, and infeft him heretablie thairintill, reservand thair moderis lyifrent to hir for all the [dayis of] her lyiff: For the quhilkis the said Robert sall in lyik maner resing and gyff our to the said Jhone his kyndnes of the Abdene of Kyngorne, and put him in possessioun thairof, and warrand his said kyndnes fra all inconvenientis proceiding of his awin deid, and sall labour at his power to obtene the few thairof to the said Jhone his behuif and vtilitie, and sall gyff and pay that ane halff of the soumes that beis neidfull to be gevin for obtenyng of the said few: And in cais the said Jhone gett not securitie of his saidis landis of Rayth, in that cais he sall within twa yeiris nixt thaireftir content, pay, and thankfully deliuer to the said Robert his bruthir the soume of ane thowsand merkis for his said kyndnes, provyding alwayis that it sal be in the optione and chois of the said Robert, quhidder he pleissis, to resave the saidis thowsand merkis for his said kyndnes, or to retene and keip the same in his awin handis, and the said Jhone his mony and landis of Mvrdoychcarnye foirsaidis in his handis; and heirto bayth the saidis partiis faythfullye bindis and oblissis thame,

thair airis, executouris, and assignais, to obserue, keip, and fulfill this present contract ilk ane to vthers for thair awin parte, and speciallie the said Jhone bindis and oblissis him to obserue and keip his parte thairof vnder the pane of ane thowsand pundis, to be payit to the said Robert his bruthir, in cais he failze in his parte: In witnes of the quhilk thing bayth the saidis partiis hes subscrivit this present contract with thair handis, day, yeir, and place foirsaidis; befoir thir witnessis, Dauid Maluill, Walter Maluill, Sanders Dishingtoun.

JHONE MALUILL of the Raith, w^t^ my awin hand.
ROBERT MELWILL, w^t^ my hand.

91. REDUCTION OF FORFEITURE of SIR JOHN MELVILLE of Raith. 4th June 1563. Extract.

IN the parliament haldin at Edinburgh the ferd day of Junii, the yeir of God j^m^ v^c^ lxiij yeris, anent the summondis rasit at the instance of Helene Napar, the relict of vmquhile Schir Johnne Mailuile of Raith, knycht, and of Johnne Mailuile, his eldest sone and apperand air, Robert Meluile, his secund sone, and of the remanent barnis of the said vmquhile Schir Johnne, lauchfullie gottin betuix him and the said Helene, his spous in his tyme, aganis Maisteris Johnne Spens of Condy, and Robert Creichtoun of Eliok, aduocatis to oure souerane lady, Maister Robert Richartsoun, priour of Sanct Mary Ile, hir grace thesaurar, Johnne Wischert of Pettarro, knycht, comptrollar, Archibald, Erle of Ergile, iustice generale, successour in the office thairof to vmquhile Archibald, Erle of Ergile, his fader, quha wes principale iustice generale to oure said souerane lady the tyme of the leding and pronounciatioun of the pretendit dome of forfaltour vnder writtin, for oure said soueranis enteres, in the caus vnder specifiit, Andro Ker, than of Dolphintoun, and now of Hirsaill, knycht, as pretendand him ane of the iustice deputis vnder writtin in the samen caus, siclyke for oure said soueranis enteres, and all vtheris quhatsumeuir havand or pretendand to haue enteres, in the actioun and caus under specifiit, for thair enteres, gif thai ony haue, tuiching the productioun be thame befoir our said souerane lady and the saidis thre estatis of hir realme in parliament, to have bene haldin at Edinburgh, or quhair it suld happin oure said souerane lady to haif bene for the tyme, the xx day of Maii last bipast, in the hour of caus, with continewatioun of dayis; the haill roll and sensament of court, or act of adiornale, contenand and proportand be deliuerence of the parsonis of assis that past thairon convictioun, or as it may rather be callit, dome of forfaltour gevin and pronuncit aganis the said vmquhile Schir

Johnne be the mouth of Thomas Hall, dempstar for the tyme in the pretendit iustice court haldin in the tolbuith of Edinburgh the xiij day of December, the yeir of God jm vc fourtie aucht yeris, be the said Schir Andro Ker and vmquhile Patrik Barroun of Spittelfeild, quhilkis than satt and vsit office coniunctim, the court being fensit in thair names alsua coniunctim as pretendit iustice deputis for the tyme to the said vmquhile Archibald, Erle of Ergile, than iustice generale, findand in effect and decernand the said vmquhile Schir Johnne convict, be deliuerence of the assis passand thairon, of the dittay and crymes of lese maiestie efter following:—That is to say, of tressonable ressaving of sundry tressonnable writtingis send to him in the monethis of October, Nouember, December, and Januar, in the yeir of God jm vc xlvij yeris, be Johnne Maluile, his bastard sone, tratour, furth of Ingland, ressauit in hurt and preiudice of oure said souerane lady hir realme and liegis, and desyrand the said lard to be helplie and gude to the Inglis capitanis and inimeis than being in the fortilices of Sanct Colmisinche and Brochty Craig, as his awin missyve bill send to the said Johnne his sone, quhilk (as is contenit in the said convictioun) he grantit to be writtin and subscriuit be him in iugement in presens of the said assis proportit and bure; Item, of the tressonable hyding and conseling of the saidis tressonable writings fra oure said souerane ladys derrest cousing, gouernour for the tyme, and counsale of this hir hienes realme, nocht reveland the samin to thame as he aucht to haue done of the dewitie of ane trew subiect; Item, of the tressonable sending of his writingis and ansueris to the said Johnne Mailuile, tratour, in the said moneth of Januar, the yeir of God forsaid, and of the tressonable consaling of him to serve treulie the saidis auld innemeis, and nocht to lippin for ony kyndnes in thir partis sa lang as the auctoritie for the tyme of the said realme than rang, lyke as his said bill writtin and subscriuit be him as said is proportit and bure; Item, for the tressonable assistence furthering and furthbering at his vter power of the evill and mischevous purpois and effaris of vmquhile oure soueranis deir vnkle and cousing Henrie the aucht, king of Ingland, had and taikin towart the hurt of the subiectis of this realme, in the monethis of Januar, Februare, Marche, Aprile, and Maii, in the yeir of God jm vc and xlvi yeris, in hoip to have gottin the said king Hareis hee and grete reward thairfoir; to the taiknyne he wrait expreslie in his writing send to his sone forsaid, at the tyme abone writtin, thir wordis: "My gude freindis, the lardis of Ormistoun and Monquhany and Niniane Cokburne can aduerteis quhat my part hes bene sen the feild and afoir, my gude brethir and companyeonis, Capitane Schir Johnne Borthuik, Doctour Durehame, and Johnne Leslie, can testefie of the first purpois wes done that wes plesand to the kingis Maiestie, quhom God assoilze, and belevit I suld haue bene rememberit with ane

of the first in thir partis," as his said writing schawin and confessit be him in iugement proportit and bure; Item, for tressonable aduertesing of his said sone and our auld innemeis of Ingland, of the secretis and effaris of this realm, sa fer as he culd gett knawlege of continewalie sen the deceis of oure said souerane ladiis vmquhile derrest fader, of gude mynd, quhom God assoilze, and spetialie in the moneth of Januar aduertesand thame that the Erle of Argile, for the tyme hir grace lieutennent in thay partis, wes preparand to mak starklie vpon Dundee and Inglischemen being thairin and thairfoir counsaling his said sone becaus he culd nocht gett sic convoying of his lettres and aduertesing as he wald to cum in Loutheane to gett intellegence of the effaris of this cuntre, that he mycht aduerteis the protectour of Ingland thairof, as the said writing beris: contenand thir wordis, "For novellis, the Erle of Argile makis starklie vpoun Dundee, had ye licence of my lord protectour to cum in Loutheane ye mycht gett grete intelligence, and do grete seruice to my lord protectour;" Item, of the tressonable promitting to his said bastard sone that he suld aduerteis the lard of Ormistoun at lenth of all thingis that occurrit within this realm; that the said lard of Ormistoun mycht aduerteis the said lard of Rathis sone forsaid thairof, and he the protectour of the samyn. Efter the quhilk convictioun the saidis pretendit iustice deputis, be pronuntiatioun of Thomas Hall, dempstar forsaid of the said court, adiugit and for dome gaif, that the said vmquhile Schir Johnne Meluile suld be had to the gallowis, and hangit quhill he wer deid, and his heid strickyn fra his body, and his body quarterit in four partis, and euery quarter put vpoun ane port of the said burgh of Edinburt, to the sycht of the peple, and his heid put vpoun ane prik vpoun the tolbuith of the samyn, and that all his guidis, movable and vnmovable, landis, heretages, possessionis, takkis, stedingis, cornis, cattell, and vtheris quhatsumeuir, suld pertene to oure said souerane lady be ressoun of escheit of forfaltour; to be vptaikin and disponit be hir hienes at hir plesour, lyke as the said pretendit act of adiornale mair fullelie proportis: And als tuiching the productioun be the forsaidis personis befoir oure said souerane lady and the saidis thre estatis of hir realme in the parliament forsaid, the pretendit comissioun of deputarie gif ony wes maid to the saidis allegit iustice deputis to sitt in the said caus, nocht grantand bot allvterlie denyand that ony wes maid or grantit to thame to sitt or decyde thairin; togidder with the pretendit missyve bill allegit confessit writtin and subscriuit be the said vmquhile Schir Johne, quhairupoun onlie the said pretendit deliuerence is past contrar him, and he hes sufferit the deid maist crewalie be vertu of the samin, with the pretendit dittay mentionat in the said pretendit act, gif ony wer, to be sene and considerit be oure said souerane lady and estatis of hir realm forsaid, and to heir and se the said

pretendit act of adiornale contenand and proportand the pretendit deliuerence of the said assis, thair conviction and dome of forfaltour pronuncit be the mouth of the said Thomas Hall, dempstare, decernand and ordanand as is at lenth abone expremit, with the pretendit rolling and fensing of the said court and haill pretendit proces deducit contrar the said vmquhile Schir Johnne the day of the fensing thairof forsaid, be fundin and decernit, be decreit and sensament of the estatis of parliament forsaid, to be haldin the saidis day and place, with continewatioun of dayis, to haue bene fra the begynning, and to be in all tyme cuming, in the self null and iniustlie deducit and promulgat, and to be of na strenth, force, nor effect in tyme cuming, nochtwithstanding that the said vmquhile Schir Johnne hes maist wranguishe ellis sufferit the deid thairthrou; at the leist to be retretit, rescindit, cassat, annullit, and decernit to haue bene fra the begynning, and to be in all tyme cuming, of nane availl, force, nor effect, with all that followit or may follow thairupoun, and the saidis relict and barnis of the said vmquhile Schir Johne to be restorit and reponit in integrum agane in and to the samen integritie of stait, dignitie, honour, capacitie, and habilitie of succeding to the said vmquhile Schir Johnne, evirilkane according to thair awin rycht place and rowme respectiue, lyke as the said pretendit deliuerence and dome of forfaltour had neuir bene pronuncit nor gevin aganis him, nor he had sufferit the deid thairthrou, for diuers ressonis and caussis, as at mair lenth is contenit in the said summondis. The saidis Johnne Mailuile, eldest sone and apperand air to the said vmquhile Schir Johnne, and Robert Maluile, his secund sone, being baith parsonalie present, the said Helene Napar, relict of the said vmquhile Schir Johnne Maluile, and his remanent barnis, gottin betuix him and the said Helene, comperand be Maister Clement Litill, thair procuratour, and the said Maisteris Johnne Spens, Robert Creichtoun, aduocatis, Maister Robert Richartsoun, thesaurar, Johnne Wischart of Pettarro, knycht, comptrollar, Archibald, Erle of Ergile, iustice generall, and successour in the office thairof to the said vmquhile Archibald, Erle of Ergile his fader, quha wes principale iustice generale the tyme of the leding and pronunciatioun of the said pretendit dome of forfaltour, for oure said soverane ladiis interes in the said mater, Andro Ker of Hirsale, knycht, pretendand him ane of the iustice deputis at the samin tyme, and all vtheris hauand, or pretendand to haue enteres in the for said actioun and caus, for thair interes, gif thai ony haue, being all lauchfullie summond to this actioun, oftymes calit, and nocht comperit; the forsaidis partis comperand, rychtis, ressonis, and allegationis hard, sene, and vnderstand and thairwith being ripile aduisit, the quenis grace and thre estatis of this present parliament, all in ane voce, but variance or discrepance, be decreit and

sensament thairof, retretis, rescindis, cassis, annullis the said pretendit act of adiornale contenand and proportand the pretendit deliverence of the said assis, thair convictioun and dome of forfaltour pronuncit be the mouth of the said Thomas Hall, dempstare, decernand and ordanand as is at lenth abone expremit, with the pretendit rolling and fensing of the said court, and haill pretendit procez deducit contrar the said vmquhile Schir Johne the day of the fensing thairof forsaid, and decernis and declaris the samin to haue bene fra the begyning, and to be in all tyme cuming, of nane availl, force, nor effect, with all that followit or may follow thairupoun, nochtwithstanding that the said vmquhile Schir Johne hes maist wranguislie ellis sufferit the deid thairthrou, and restoris and reponis the saidis Helene Napar, relict of the said vmquhile Schir Johnne, and thair barnis gottin betuix thame, in integrum agane in and to the samyn integritie of stait, dignitie, honour, capacitie, and habilitie of succeding to the said vmquhile Schir Johne, euirilkane according to thair awin rycht place and rowme respectiue, lykeas the said pretendit deliverence or dome of forfaltour had neuir bene pronuncit nor gevin aganis him, nor he had sufferit the deid thairthrou; becaus the saidis allegit iustice deputis quha tuik vpoun thame and vsurpit the office of jugeis, and proceding the said xiij day of December, the yeir of God abone writtin, as iustice deputis allegit havand commissioun thairto maid to thame be oure said souerane ladiis vmquhile cousing Archibald, Erle of Argile, hir hienes iustice generale, vpoun the pounctis of the said dittay had na maner of power nor commissioun of deputrie to haue cognoscit or procedit vpoun the pounctis of the pretendit dittay, quhairupoun the said vmquhile Schir Johne wes than accusit in respect of the nature and qualitie of the said dittay, consavit vpoun hie pounctis of treasoun and lese maiestie for diuers ressonis and caussis. First, Becaus nowther of the saidis allegit deputis had ony power gevin, grantit, or committit to thame be oure said souerane ladiis vmquhile iustice for the tyme to haue procedit in the said mater ony way, at the leist nane wes producit, redd, nor schawin in jugement, it being maist notour that the said vmquhile Erle wes generale iustice vnder oure said souerane lady throuchout hir haill realm for the tyme, and wes nocht present himself that day, at the leist nocht present exerceand his office as juge, nor the said pretendit proces beris him nocht to haue bene present ony way, and sua seing the saidis allegit deputis procedit the said day as allegit, and thame deputis to him, thay aucht to have schawin thair commissioun of deputrie befoir thai suld haue procedit thairintill ony way, quhilk on na wise wes done, bot on ane werray vsurpit auctoritie and pretendit maner thai fensit ane court of iustice, and put the said vmquhile Schir Johnne to the knawlege of the said assis, without ony forther power ingyrand thame selffis thairto, werray

partialie and wranguislie, and by all ordour of law, quhairfoir, be reasoun that gif ony of thame had ony power to proceid in iustice courtis in absence of the said vmquhile erle, justice forsaid, or to occupy his rowm thairin; that na maner of way wes grantit to the said Schir Andro Ker, nor he nevir wes constitut be oure said souerane ladiis vmquhile iustice depute of befoir to ony maner of criminale caus; specialie he wes na way constitut to haue cognosit in the caus forsaid, and sua alwis the said iustice court being fensit or haldin in his name with the said vmquhile Patrik Barroun coniunctim wes werray inordourlie fensit, and null in the self, with all the pretendit procez led in the samin allegit iustice court be vertu thairof, and the pretendit sentence and dome gevin thairin as per non iudicem aut coram non iudice, and als be ressoun that gevand that the said vmquhile erle had depute the said vmquhile Patrik and Schir Andro, and constitut thame his deputis, to haue procedit in all criminale actionis as he himself mycht, as is na way grantit, bot allutterlie denyit that he sua did, nocht-withstanding thai as deputis to him thairin mycht nocht haue procedit be vertu of ony sik generale commissioun of deputrie in the said caus, or vpoun the pounctis of the dittay laid the said day to the said vmquhile Schir Johnnis charge, nor submittit the samin to the knawlege of ony assis how scharplie that euir he had bene accusit or delatit thairof be the said dittay, be ressoun it wes nocht lesum to the said vmquhile erlis self to have committit power, or substitut ony vther in his place, as deputis in semblable causis concerning the crymes of treasoun and lese maiestie, bot onlie he be himself to haue comperit, and sittin in jugement in proper persoun, quhilk he on na wis did the said day, and that to haue representit oure said souerane lady and hir grace iustice persoun thairin, mekleles wes it lesum to the said vmquhile Patrik and Schir Andro, without ony maner of speciale commissioun grantit or maid to thame, or ony of thame, be the said vmquhile Archibald, Erle of Ergile, to haue cognoscit or procedit in the said mater, in speciale, it being tressonable dittay, as said is; quhairthroue the saidis pretendit roll or dittay, sensament of court, act of adiornale, or dome of forfaltour, aucht and suld be decernit, be decreit and sensament of the saidis estatis of parliament forsaidis, to be retretit, rescindit, cassit, annullit, and to haue bene fra the begynning, and to be in all tyme cuming, null and of nane availl, force, strenth, nor effect, and the saidis relict and barnis of the said vmquhile Schir Johnne to be restorit and reponit in integrum agane in and to the samin integritie of stait, dignitie, honour, capacitie, and habilitie of succeding to the said vmquhile Schir Johne, euirilkane of thame according to thair awin rycht, place and rowme respectiue, lykeas the said pretendit deliuerence or dome of forfaltour had neuir bene pronuncit nor gevin aganis him, nor he had sufferit the deid

thairthrow, lykeas wes cleirlie vnderstand to our said souerane lady and thre estatis of parliament forsaid, and ordanis lettres to be direct to mak publicatioun heirof at all places neidfull, and to the effect forsaid in forme as effeiris. Extractum de libro actorum parliamenti per me magistrum Jacobum M'Gill de Rankelour Nether, clericum rotulorum registri ac consilii supreme domine nostre regine, sub meis signo et subscriptione manualibus.

JACOBUS MAKGILL.

92. CONTRACT between JOHN MELVILLE of Raith and ROBERT MELVILLE, his brother, for infefting the latter in Murdochcairnie, and the former in the Abthane of Easter Kinghorn. 31st July 1563.

AT Edinburgh, the last day of Jwlij, the yeir of God I^{m} v^{c} threscoir thre yeris, it vas appoyntit betwix honorabill personis, Jhone Mailwill of Raith, on that ane part, and Robert Mailwill, his brother-germane, on that vther part, as followis, to wit, the said Jhone, for the lowif and fawour he beris to the said Robert his brother, and vther ressonabill considerationis mowing him, be thir presentis, bindis and oblesis him to obtene himself serwit and sesit as air to his vmquhill fader of all and haill the landis of the thre quarteris of Mwrdocairnye, lyand in the schirefdome of Fyfe, and incontinent thairefter, to infeft the said Robert and his airis heretabillye thairin, be resingnatioun or confirmatioun as sall plese the said Robert, with clawse of varrandice as efferis, als frelye as he or his fader held the samin of befoir: And siclyk the said Robert, be thir presentis, resingnis and our geffis to the said Jhone and his airis all rycht, tytill, and kyndnes that he hes or may clame in and to the landis of Abtane of Ester Kingorne, and bindis and oblesis him to do all diligence and exact labouris at all handis quham it efferis to obtene and gett the few of the samin landis to the said Jhone and his airis, and infeftment thairvpoun as efferis, and gef the samin be or may be gottin be compositioun of monye, to pay the ane equall half of the said compositioun swa the said half exceid nocht the soum of fyve hundryth merkis monye, and gef it exceidis the said soum he sall pay the said fywe hundryth merkis alanerlye, and sic lyk sall mak, seill, swbscrywe, and delyuer to the said Jhone ane sufficient reuersioun of the saidis landis of Cairnye, for redemptioun of the samin fra the said Robertis airis famell alanerlye, vpon the soum that the said Jhone and Robert, be the awys of Vilyam Kirkcaldye of the Grange, knycht, sall name; and gef thair happin onye dout or questioun anentis and vpoun onye poynt or part of the premissis betwix the saidis contrakaris, thay be thir presentis referris the decisioun thairof to the said laird of Grange, and sic vther

freindis as he sall plese to name, gef he sall think it expedient to name ony thairin, and vill that this present menwt be extendit, keipand the substance thairof, as efferis and oblesis thame to fwlfill all poyntis thairof ilk ane to vther for thair awin partis respectiue; and in vitness of the samin hes subscrywit the samin with thair handis, day, yeir, and place foirsaid, befoir Dawid and Walter Mailwillis, thair brether-germane, and Mai-ster Clement Litill.

JHONE MALUILL of the Raith, wt my hand.
ROBERT MELWILL, wt my hand.

93. RETOUR of JOHN MELVILLE of Raith, as heir to his father, Sir John Melville of Raith. 10th November 1563.

HEC inquisitio facta fuit in curia vicecomitatus de Fiffe tenta in pretorio burgi de Cupro per [coram] Dauid Arth et Dauid Luklaw vicecomitibus deputatis de Fiffe, decimo die mensis Nouembris anno Domini millesimo quingentesimo sexagesimo tercio, per hos probos patrie subscriptos, videlicet, Wilelmum Barclay de Touch, Georgium Ramsay de Clatty, Arthurum Forbes de Reres, Andream Balfour de Montquhany, Dauidem Ramsay de Brakmonth, Andream Farny de eodem, Patricium Kynnynmonth de Craighall, Walterum Gourlaw de Auchtermerny, Johannem Mailuill de Carnebe, Andream Balfour de Petcullo, Dauidem Lindesay de Pyotstoun, Johannem Broun de Fordell et Dauidem Hay de Sandfurd: Qui jurati dicunt quod quondam Johannes Mailuill de Rayth, miles, pater Johannis Mailuill, latoris presentium, obiit ad pacem et fidem supreme domine nostre regine; Et quod dictus Johannes, presentium lator, est legitimus et propinquior heres eiusdem quondam Johannis, militis, patris sui; Et quod est legitime etatis; In quorum nidem et testimonium sigilla quorundam eorum qui dicte inquisitioni intererant facte sub inclusione breuis reginalis intus clausi sigillo officii dicti vicecomitis, anno, die et mense quibus supra, presentibus sunt appensa.

Hec est vera copia principalis retornatus super premissis remanentis in cancellaria supreme Domine nostre regine copiata et collationata per me, Willelmum Ogill, deputatum directoris eiusdem sub meis signo et subscriptione manualibus.

W. OGILL, etc.

94. OBLIGATION by JAMES SANDILANDS of Torphichen, to MARY, QUEEN OF SCOTS, to pay her 10,000 francs. 1st March 1563-4.

To the Quenes Maieste, my suuerane.

I, VNDIR vrytin, promessis and oblissis my honeur, persone, and gudis to pay to Hir Maieste, within ane yeir efftir the dait of this my obligatione, the soume of ten

thousand francis for the rest of ane contract quhilk maid betuix hir Maieste and me, that is the termis of payment to be delyuirit to hir Maieste sax thousand francis or the first da of Septembre nyxt followyng the dait heirof, and four thousand francis at the first day of Merche, the yeir ane thousand fyffe hundirthe thre scoir four yeir; and for fulfilling this I obles me in the maist strait maneir ane subiet ma to his suuerane, be this my hand vryt and obligatione, vrytin and signettit withe my hand before thir vitnes, Wilyem Metland, Lord Secreter, Angelo Manelli, and Mr. George Bucquenen, at Endinburche, the first da of Merche, the yeir ane thousand fyffe hundirthe thre scoir thre yeir. 1563.

JAMES SANDELANDIS of Torphicen.

Obligatione to the Quenis Maieste.

95. BOND by JAMES STEWART, EARL OF MURRAY, and OTHERS, to assist HENRY, KING OF SCOTLAND, husband of Queen Mary, in obtaining the crown matrimonial, and for other purposes. 2d March 1565-6.

CERTENE articles to be fulfillit be Archebald, Erll of Argyll, James, Erll of Murray, Allexander, Erll of Glencarne, Andro, Erll of Rothes, Robert, Lord Boyd, Andro, Lord Vchilltre, and their complices, to ane noble and mychty prence, Henry, Kyng of Scotland, husband to our souerane lady, quhilkis articles the saidis persones offres with maist humill lawlynes and seruice to the said nobill prence, for quhom to God thay pray to prosper in gud healthe and prosperetye with lang lyf and gud succession of his bodye.

1. Item, inprimis the saidis erllis, lordis, and thair complices sall becum, and be the tennour heirof becumis faythfull subiectes and servandis to ane nobill and mychtye prence Henry, be the grace of God kyng of Scotland, and husband to our souerane lady, that thay and ilk ane of them, and all vtheres that will do for them, sall tak ane trew and affauld part with the said nobill prince in all his actionis, causses, querrellis agaynes quhatsumevir at the vttermaist of thair poueris, and salbe freind to his freindis and ennyme to his ennymeis, and nowcht spair thair lyves, landes, gudes, nor possessionis to do his Maiestie servis.

2. Item, the said erllis, lordis, and thair complices sall at the first parlement, or vther parlementis that sall happin to be efter thair returnyng within this realme, sall be them selfis and vtheres that hes vot in parlement, consent and be thir presentis consentis, now as than and than as now, to grant and gyf the croun

matremoniall to the said nobill prince for all the days of his lyf, and gyf ony person or persones dois withstand or agaynesay the samen, the saidis erllis, lordis, and thair complices sall tak sic part as the said nobill prence takis in quhatsumevir for obtenyng of the said croun aganes all and quhatsumevir that leif or die may as sall best plais the said nobill prence.

3. Item, the saidis erllis, lordis, and thair complices sall fortiffye and menteyne the said nobill prences just titell to the croun of Scotland, failzeing of the succession of our souerane lady, and sall justifye and sett fordwart the samyn to thair vttermaist poweris; and gyf ony maner of persones will vsurpe or agaynesay the said just titell, the saidis lordis and thair complices sall menteyne, deffend, and sett fordwartis the samen as best sall plais the said nobill prence, without fear of lyf or dead, and sall seik and pursew them that vsurpis as sall plais the said noble prence to command to extirpe them out of the realme of Scotland, or tak or slaye them.

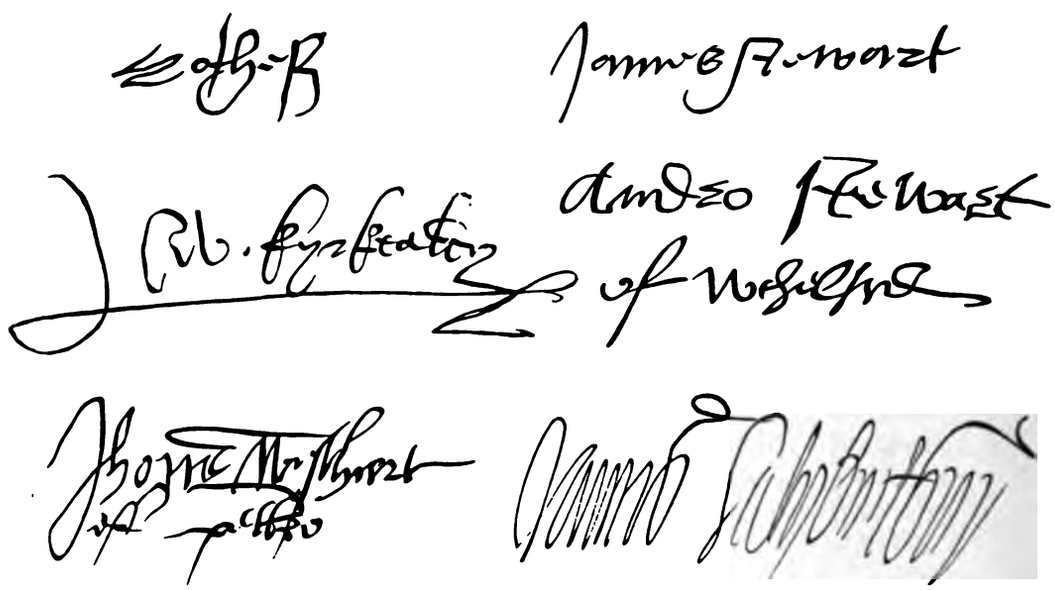
4. Item, as to the religion quhilk wes estaiblissit be our souerane lady the Quenes Maiestie schortlie efter hir aryving in this realme, quhairvpon actis and proclamations wes maid, and of new agayne granted be the said noble prence to the saidis erllis, lordis, and thair complices, that thay and ilk of them sall fortiffie and menteyne the samen at thair vttermaist poweris be the help, suplie, and mentenance of the said noble prence; and gyf ony persoun or persones will ga[yne]say the samen or ony part thairof, or begyne to mac tum[ult] or vproir for the samen, the saidis erllis, lordis, and thair complices sall tak ane affauld trew and plane part with the said noble prence agaynes the saidis contemneris and vsurperis at thair vttermaist poweris.

5. Item, as they ar becuming trew and faythfull subiectes, men and servandis, to the said noble prence, and sall be leall and trew to his Maiestie, as becumes trew subiectis to thair naturall prence, and as trew and faythfull servandis servis thair gud maisteris with thair bodeis, landis, gudis, and possessiounis, and sall nouther spayr lyf nor dead in settyng fordwart all thyngis that may be to the advancement of the said noble prence.

6. Item, the saidis erllis, lordis, and thair complices sall laubour at the Quene of Englandis handis for the releif of the said nobill prences mother and brother be themselfis, and sic vtheres as thay may procure at the vttermaist of thair poweris, that thay may be relevit out of ward to remane in England frely, or to repair in Scotland as they sall thynk maist expedient, but stope or impedement to hir self, hir sone, thair servandis and mowables.

7. Item, the saidis erllis, lordis, and thair complissis sall, be them selfis and vtheres that will do for them, sall laubour and procure at the Quene of England

handis that the said nobill prence may haue hir kyndness, gud and assystence in all his Maiesties honorabill and just caussis aganes quhatsumevir foreane prences. At Newcastell the secound of Marche 1565.



Indorsed in a contemporary handwriting: "Ane band maid be my lord of Murray and certane wthir noble men with him befoir the slauchtir of Davie:" also in a later hand, "Ane band subscrywit to the kyngis Maiestes derrest fader."

96. INQUEST on the Service of JOHN MELVILLE of Raith, in the Lands of Raith. 11th April 1566. [Copy.]

CURIA tenta regalitatis de Dunfermlyng in pretorio eiusdem per dispensationem supremorum dominorum nostrorum regis et regine per Patricium Hackat de Pitfirren et Willelmum Durrye, balliuos dicte regalitatis, coniunctim et diuisim, xi die Aprilis anno Domini 1566.

Sectis vocatis et curia affirmata.

The quhilk day James Nicolsoun, schiref in that part, producit our souerane lord and ladyes letteris to the bailzeis abone specified, chargeand them to fence and

hald court and proceid in the serwing of Jhone Maluils of Ratht brewes, nocht withstandyng the feriat tyme of passioun owk, dispensand thairwith be thir letteris of delyuerance of the lordis of thair counsaill of the dait the xxviij of Marche and of thair reignes the first and xxiiij yeris, and verifiet the executioun thairof conform to his indorsatioun.

The samyn day Jhone Maluill of Rayth produceit ane breif, dewlie execut, proclamit, and indorsat, and desyirs proces conform to the desyer thairof, and the saidis bailzeis causit the officer to call gif thair was any parteis to obiect aganis the said breif, execucioun and indorsatioun thairof, quhilk execucion was verifiet be the said officer conform to the indorsatioun of the said breif.

The sammyn day comperit Jhone Kynnynmonth in Coilquhalie, and askit hym to be admittet for his entres to obiec aganis the brief purchast be Johne Maluill of Rayth foirsaid, and all that may pas thairwpon. The judgeis admittes the said Jhone to say thairto as law will, and requirit gif he wald obieck aganis the breif, execucioun or indorsacioun. The said Jhone answerand had na thing to obiect aganis the executioun, proclamatioun, or indorsatioun thairof, bot desyrit the clame to be produceit; and the said Jhone Maluill tuk act of court that quhair the said Jhone Kynnynmonth nor nane vtheris comperan hed any thing to obiect aganis the proclamacioun, execucioun, and indorsacioun of the said breif, and desyrit proces, and persones summonit vpon the inquest to be calat, quhilk wes granted.

Nomina Inquisitionis.

William Kyrcaldie of Grange, knycht.	Dauid Lyndsay of Kyrkforthir.
Dauid Wemys of that ilk.	Dauid Sybbet of Letham.
Mr. William Lundyn of Pratris.	William Pitcarn of Pitcur.
Andro Wood of Largo, younger.	William Baingaw of that ilk.
William Barclay of Towgh.	Walter Leslie of Othirstoun

William Bonar of Rosse.
Hary Hecklyng of Pittadro
David Monipenne of Pitmilo
Dauid Balfour of Bello.
James Gyb of Ballyngkyrk.

The saidis personis of inquest, summond be our soverane lord and ladyes letteris, compeirand, was resavit, sworn, and admittet, and na persone compeirit to object aganis the saydis persones of inquest, and thairwpon the said Jhone Maluill tuk act of court

The sammyn day comperit the said Jhone Kynnynmonth, admitted for his entres, and askit the claym producit be the said Jhone Maluill of Rayth, and als askit the said Jhone fatheris instrument of seasyng to be producit, and the dait thairof to be insert in the court buik.

The said Jhone Maluill of Rayth alledgit the said Jhone Kynnynmonth suld not be hard as partie to desyer exibicione of the said seasyng, bot it is sufficient to shaw the sammyn to the inqueist wnto the said tyme that Jhone Kynnynmonth produce his title and entres to that effect, protestand he be not admitted thairto wnto the productioun of the sammyn, and for werificacion thairof; and the said Jhone Maluill of Raith breif producit his clame seruit as narrest and laufull ayr to wmquhile Jhone Maluill, his father, of the landis contenit thairintill, and for werificatioun thairof producit ane instrument of seasyng, of the dait xxiiij of Nouember, the yeir of God ane thowsand v^{c} and twa yeris, wnder the note of Alexander Trumbill contenand Jhone Maluill of Rayth, knycht, that last desesit, to be infeft and seasit in all and haill the landis of Rayth, Pitconmark, and Turbane, with the pertinentis as at mayr lenth is contenit in the sammyn.

Comperit the said Jhone Kynnynmonth, and producit ane instrument of seasyng of ane annuellrent of twa chalders of wittall, viz., xxvi bollis ait meill and sax bollis beir of all and haill the tane half of Turbane, with the pertinentis, of the dait ane thowsand v^{c} lvij yeris the xxvij day of September, vnder the sygne and subscriptioun manuell of Cudbert Riche, notar public, in the quhilkis half landis of Turbane, the said Jhone Kynnynmonth and Issobell Betoun his spous, vas heritable infeft, and in respeck thairof the said Jhone alledgeis that the said Jhone Maluill of Rayth aught not to be seruit to the saidis half landis of Turbane be reasoun the sam ar full, and in cais the said inqueist seruis the said Jhone thairto the said Jhone Kynnynmonth protestis for wilfull errour, manifest wrang, reductioun of the sammyn b[e] remeid of law, tyme and place, and thairupon askit act and document thairwpon.

The said Jhone Maluill of Raith alledgit the pretendit instrument be Jhone Kynnynmonth can gif hym na entres to stop the seruice, conform to the claym and seasyng producit, bot he awght to be seruit notwithstandyng the sammyn, becais the saidis half landis, in sa far as thai wer any way analeit to wmquhile Archebald Betoun of Capildra, be the said wmquhile Jhone Maluill of Rayth, knycht, the sammyn ar decernit be the lordis of our souerane ladyes sessioun, be debtfull proces, led befoir them at his instance, as ayr to the said wmquhile Jhone, his father, aganis Jhone Betoun of Pitlowthe (Capildra *interlined*), as ayr to the said wmquhile Archebald, laufullie redemit as the decreit of redemptioun past thairwpon, of the dait at Edinburgh

the v day of May last, was subscrywit with Mr James Magyll, clark of the register, in the self purportis; and namely, in respeck the said Jhone Kynnynmonth seasyng concernis only ane annuell rent, afoir specified, quhilk cannot stop the seruice of the said Jhone Maluill to the haill landis, bot he beyng seruit thairto, he hes the sammyn with the burdyng, quhilkis decretis he producit for verifeyng of the said alledgeance. And wpon the productioun of the seasyng afoir mentionat be Jhone Kynnynmonth for stoppyng of serwice, conform to the breif and claym, requirit act, protestand aganis hym for sic pane as he may incur of law in contrawenyng and opponyng hym to the lordis decreit; in respeck of the quhilk desyrit his pretendit entres to be repellit be the judgeis, and the said Jhone Maluill to be seruit as said is notwithstandyng the sammyn. And the judgeis ansur heirvpon.

The said Jhone Kynnynmonth ansurit to the alledgeance foirsaid, maid be the said Jhone Maluill of Rayth, alledgeis that he and his said spous ar heritable infeft in the said annuell rent of the said half landis, and neuer warnit for redemptioun thairof, and incais the said inqueist serue the said Jhone Maluill of Rayth, protestis as afoir for remeid of law.

The judgeis, nochtwithstandyng the entres and titilles producit be Jhone Kynnynmonth, decernis proces, and the inqueist to proceid to seruice, accordyng to thair conscience, wpon the quhilk the said Jhone Maluill requirit act.

The sammyn day William Bonar, in name and behalf of the haill inqueist, tuk act and instrument that thair was na obiectioun maid be any persone aganis the breif, proclamacioun, executioun, and indorsacioun, clame, and seasyng producit for verificacioun thairof, bot only Jhone Kynnynmonth, quha producit ane pretendit seasyng of ane annuell rent of twa chalderis wittell foirsaid, gywin to hym be alienacioun of Jhone Betoun, haldin of hym selfe alanerly, quhilk on nawayes may stop the seruyng of the said Jhone Maluill of the saydis landis.

The said inqueist seruis the said Jhone Maluill of Rayth, of the landis of Rayth, Turbane, and Pitconmark, with the pertinentis, conform to the retour to be gyvin in wpon euerylk poynt of the said breif. The sammyn day the said Jhone Kynnynmonth protestis that the seruyng of the said Jhone Maluill, of the landis of Turbane, hurt hym not in his said annuell of ii chalderis of wittell foirsaid, nor his ryght in the quhilk he is heritable infeft: And thairwpon tuk act and instrument.

97. GIFT by MARY QUEEN OF SCOTS to ROBERT MELVILLE of Murdochcairnie, of the keeping of the castle of Linlithgow. 15th February 1566.

MARIA Dei gratia Regina Scotorum, vicecomiti et balliuis suis de Linlithqw, nec non dilectis nostris ac eorum cuilibet, coniunctim et diuisim, vicecomitibus nostris de Linlithqw in hac parte, salutem. Quia dedimus et concessimus dilecto nostro Roberto Mailuill de Murdocarny, suis heredibus et assignatis hereditarie custodiam palacii nostri de Linlithqw cum parcis, lie peilis, lacu, pratis, hortulo, horto, pomariis eiusdem, et omnibus suis pertinentiis, jacentis prope burgum nostrum de Linlithqw, et infra vicecomitatum nostrum eiusdem; ac rescindimus et annullamus omnes alias nostras literas, donationes et assedationes quascunque de eisdem cuicunque alii persone, vel personis, aliquibus temporibus preteritis, factas: decernentes et declarantes easdem nullas et inualidas imperpetuum, prout in carta nostra desuper confecta latius continetur: Vobis precipimus et mandamus quatenus prefato Roberto vel suo certo actornato latori presentium sasinam predicti officii et custodii palacii prescripti, cum parcis, lie peilis, lacu, pratis, hortulo, horto ac pomariis eiusdem, et omnibus suis pertinentiis, secundum tenorem dicte nostre carte quam de nobis inde habet juste haberi faciatis, et sine dilatione, et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim, vicecomitibus nostris de Linlithqw in hac parte, committimus potestatem: Datum sub testimonio nostri magni sigilli apud Edinburgum, decimo quinto die mensis Februarii, anno domini millesimo quingentesimo sexagesimo sexto et regni nostri vicesimo quinto.[1]

98. GIFT by MARY QUEEN OF SCOTS to ROBERT MELVILLE of Murdochcairnie, of the maills and ferms of his lands. 5th March 1566.

Regina.

WE, for the gude, trew, and thankfull seruice done and to be done to ws be oure rycht traist and familiar seruitour, Robert Melving of Murdocarny, haif gevin and granted, disponit, and be the tennour heirof gevis and grantis and disponis to him in yeirlie pensioun for all the dayes of his lyfe, all and sindre, the males and fermes of his saidis landis of Murdocarny, extending to xxi[li] money, ane

[1] On the back is an indorsation of sasine bearing that Philip Quhitehcid, sheriff depute of Linlithgow, gave sasine to John Erskin, attorney of Robert Melville of Murdochcairnie. Done at the said palace in the park at the loch, in the peels, meadows, gardens, and orchards. 18th September 1567.

chalder aucht bollis beir, and ane chalder four bollis quheit, to be reteanit be him yeirlie, in his awin handis, for his pensioun and seruice forsaid, his entre thairto to be and begin at the feist and terme of Witsonday in the yeir of God j^m^ v^c^ lxvii yeiris, and vpon the crope of the samin yeir, and trathinefurth to indure for all the dayes of his lyfe, with powar to him to reteane and hald the saidis males and fermes in his awin handis during all the space forsaid, and dispone thairvpoun at his plesour, off the quhilkis we, for ws and oure successouris, exoneris, quite clames, and discharges him during all the yeiris and termes of his lyfe for euir, and discharges our comptrollaris, present and to cum, thair deputis, and all vtheris, our officiaris, of all processing or putting of the said Robert to our horne, poynding, distrenzeing, molesting, or ony wyis troubling of the said Robert, his landis or gudis, for the saidis males and fermes during the space forsaid, and of thair offices in that parte; and lykewyes commandis the lordis auditouris of our chekkeris, present and to cum, to defais and allow yeirlie the saidis males and fermes to our saidis comptrollaris in thair comptis, thir our letteris being anis schawin and produceit vpoun compt and registrat in the rollis thairof for thair warrand. Subscriuit with our hand, and gevin vnder our signet, at Edinburgh, the fift day of Marche, and of our regnne the xxv yeir, 1566. MARIE R.

99. TESTAMENT of Mr. HENRY BALNAVES. Confirmed 17th March 1571.

THE Testament Testamentar and Inuentar of the gudis, geir, and dettis pertening to vmquhile Maister Henry Balnawes of Halhill, ane of the senatouris of our souerane lordis college of justice, the tyme of his deceis, quhilk wes in the moneth of Februar, the yeir of God j^m^ v^c^ thre scoir nyne yeiris, faythfullie maide and gevin vp partlie be himself vpon the thrid day of Januar the yeir foirsaid, and partlie be James Melwill, his sone adoptiue, quhome the said vmquhile Maister Henry, the tyme foirsaid, be his latter will vnderwrittin, nominat, constitut, and maid his executour testamentar, as the same at lenth beris.

In the first, the said James Melwill, executour foirsaid, grantis that the said vmquhile Mr Henry had, the tyme of his deceis foirsaid, the gudis and geir following pertening to him as his awin proper gudis and geir, viz., vpon his mains of Halhill, sextene drawin oxen, price of the pece, fyve pundis vj s. viij d.; summa, foure scoir fyve pundis vj s. viij d.: Item, foure ky, thairof twa with thair followaris, price of the pece ourhend, foure pundis; summa, sextene pundis: Item, twa stottis, price of the pece, fourty s.; summa, foure pundis: Item, tuentie thre

yowis, price of the pece, fyvetene s.; summa, sewintene pundis v s.: Item, thretty foure hoggis, price of the pece, ten s.; summa, sevintene pundis: Item, in the barn and barnyard of Halhill, thre scoir ten bollis of aittis, price of the boll ourheid, xiij s. iiijd.; summa, fourty sex pundis xiij s. iiij d.: Item, ten bollis of peis, price of the boll, xx s.; summa, ten pundis: Item, tuentie sewin bollis of beir, price of the boll, xxvi s. viij d.; summa, in money, thretty sex pundis: Item, threttene bollis of quheit, price of the boll, thretty s.; summa, nynetene pundis ten s.: Item, in vtensilis and domicilis by the airschip, estimat to tuentie sex pundis xiij s. iiij d.

Summa of the inuentar, ij^{c}lxxviij^{li} viij s. iiij d.

Followis the dettis awing to the deid. Item, thair wes awing to the said vmquhile Mr. Henry be the tennentis of Petconty, of the fermes thairof for the crope and yeir of God j^{m} v^{c} thre scoir nyne yeris, thre chalderis nyne bollis wictuall, price of the boll, xx s.; summa, fyfty nyne pundis: Item, be Johnne Brad, for the males of the Bowhous of the Mairtymes terme preceding his deceis, nyne pundis: Item, be the tennentis of Lethim, of thair teyndis of the said yeir, ten pundis ten s.: Item, be Duncane Levingstoun, collectour of the quotes of the testaments of contributioun appertening to him as ane of the lordis of the sessioun, conforme to Robert Scottis clerk thairof tikket maid thairvpon, thre scoir nyne pundis viij s.; and becaus it mycht happin that the said vmquhile Mr. Henry had intromettit with mair of the lordis contributioun nor he aucht to haif done, thairfoir he willit that the same be recompansit and satisfeit be the said soume of lxix^{li} viij s., and payit thairwith.

Summa of the dettis awing to the deid, j^{c}xlvij^{li} xviij s.

Summa of the inuentar with the dettis, iiij^{c}xxvj^{li} vj s. iiij d.

Followis the dettis awing be the deid. Item, the said vmquhile Maister Henry grantit him to be awing to the laird of Sanctmonanis ane hundreth pundis, to be payit how sone the airis of Culluthie redemis the fyve merkland of Sanctmonanis, quhilk I wodset to the said laird vpon twa hundreth and fyfty merkis, becaus I gaif thame the reuersioun vpon ane hundreth merkis allanerlie; als becaus on the contract maid betuix me and the said laird, registrat in the bukis of consale, I wes oblist to gif him ane hundreth pundis money, and he being desyrus to haif that hundreth pundis put in the reuersioun, to the effect the saidis landis sould be the langar vnredemit; thairfoir, he consentand to the discharge of ane hundreth merkis contenit in the said contract, he aucht to haif bot only the said hundreth pundis, vtherwayis nathing bot as law will, for I am na forder oblist: Item, I am awing for the fewmales of Halhill, of the Mertymes terme preceding my deceis, nyne pundis xviij s. iiij d: Item, for the fewmales of Petcontie and Muirfield, of the Witsounday and Mertymes preceding his said

deceis, twentie twa pundis ij s.: Item, to Helene Boswell, for hir fee as his wyffes testament beiris, tuelf pundis: Item, be the said James Melwill, executour, gevin vp to be awing to Johnne Rutherfurde, for his half yeris fee, liij s. iiij d.: Item, to Alex^r Duncane, for his fee, xx s.: Item, to Alex^r Johnnestoun, for his fee, xx s. Item, to Issobell Robertsoun, for hir fee, fyfty nyne s.: Item, for the Witsounday male of his chalmer, tuelf pundis: Item, to Thomas Dauidsoun, ypothecare, for medicyne gevin to the defunct, and as his acquittance gevin thairvpon sen his deceis beiris, nyne pundis twa s vj d.

Summa of the dettis awing be the deid, j^c^lxxij^li xv s. ij d.

Restis of fre geir, the dettis deducit, iij^c^xxxiii^li xi s. ij d.

Na diuisioun.

Followis the deidis latter will and legacie maid be him vpon the thrid day of Januar 1569 yeiris, befoir Johnne Robertsoun and Johnne Rind, witnessis.

In the first, the said Maister Henry constitute his sone adoptiue, James Melwill, his only executour and intromettour, with his haill mowable gudis, and becaus the gudis that he had ar only the plennissing of his landis and mains, he himself culd mak na speciall inuentare thairof, bott committit the same to Thomas Myldis, his greiwe, to be maid be him, with aduise of his said sone, quhilk he approwit to be als sufficient in all pointis as gif he had maid and subscriuit the same with his awin hand: Item, he ordanit quhatevir be contenit in Alexander Clerkis compt buke, the same to be payit with wther small triffillis and soumes: Item, he left to Thomas Fyllane, ane boy at the schole with Maister Williame Rind, in Sanct Johnistoun, to put him to ane croft, fourty pundis, of the quhilk he willit to haif na diminutioun, nochtwithstanding, peraduenture, he left mair nor his fre gudis extendit to: Item, to Johnne Robertsoun, tuentie pundis: Item, to Alexander Clerkis wyffe, his awin hors that he raid on, becaus he is not ane hors to pas in testament as airschip, nor yett willit he that the hors he gaif to the said Johnne Robertsoun be put in testament, becaus I disponit the same to him twa yeiris syne: Item, in ane takin to Alexander Clerk he left the lang burde, langsadill, and furme thairwith: Item, the bed that he lay in he left to the hospitall, tymmer and all vtheris thingis pertening thairto, except the cower thairof: Item, he left to his said sones wyffe his damas goun, lynit with welwot, and the rest of his claythis of silk he left to be disponit be his said sone: Item, he left to him the haill airschip, and vtheris quhatsumevir being in the Hailhil, to his awin use, except ane fute of siluer to ane cup, with ane wice quhilk pertenis to the said Helene Boswell, and is hir awin: Item, he left his tyning coit and cloik to the said Thomas Myldis. Item, to Williame Patersoun, writar, my goun of serge, lynit with blak furring, and pewit in the

breist with his bybill: Item, to Christiane Schewes, sister to Patrik Schewes, tuentie pundis, gif it may spair; and the rest, gif ony be, I commit to the discretioun of my said sone to gif to the purest and maist neidfull of my freindis, and ordanis the Witsoundayis chalmer male and seruandis feis to be payit of the reddiest of my gudis: Item, levis to the puir of Edinburgh, ten pundis: Item, to the boy of my chalmer, Johnne Thomesoun, fourty s. Sic subscribitur, Maister Henry Balnawes of Halhill w^t^ my hand.

Item, upon the tuentie day of Januar, the yeir abone writtin, he left of Patrik Schewes of Kenbak, foure scoir merkis, nochtwithstanding that he wes curatour to him, and that the said Patrik wes in his danger and he nocht in his, and for helping him to plennis his ground, prowyding that gif it sal happin him to call or persew his executouris or intromettouris with his gudis for ony caus proceding of the said Mr. Henry, in that cais he wille, be thir presentis, that this legacie expire and be null of the self, and that the comptis be hard of his tyme of his curatorie as salbe gevin up. Sic subscribitur, Mr. Henry Balnaves of Halhill w^t^ my hand. Ita est Willelmus Patersoun, notarius in premissis requisitus. G. SINCLARE.

We, Maisteris Robert Maitland, dene of Abirdene, ane of the senatouris of the college of justice, Edward Henrysoun, doctor in the lawis, Clement Litill and Alexander Sym, aduocattis, commissaris of Edinburgh, specialie constitut for confirmatioun of testamentis, be the tennour heirof, ratefeis, appreuis, and confirmis this present testament or inventar, in sa far as the samin is deulie and lauchfullie maid, of the gudis and geir abone specifiit allanerlie, and gevis and committis the intromissioun with the samin to the said James Melvill, onlie executour and intromettour nominat be the said vmquhile Maister Henry, conforme to his latter will, abone writtin, reseruand compt to be maid be the said James thairof, as accordis of the law, and he, being sworne, hes maid faith treulie to exerce the said office, and hes fundin cautioun that the gudis and geir abone specifiit salbe furthcumand to all parties havand interes as law will, as ane act maid thairupoun beris: In witnes heirof, the sele of office of the said Commissarie is affixt at Leith, the xvij day of Marche, the yeir of God j^m^ v^c^ thre skoir ellevin yeiris. JOHNE JOHNESTOUN.

Indorsed: The quote of this testament be compositioun of my lordis commissaris extendis to twenty merkis. Maister JHONNE LEIRMONT.

100. Testament of Margaret Bonar, Lady Raith. 10th March 1574.

The Testament Dative and Inuentar of the guidis and geir, sowmes of money, and dettis pertenyng to wmquhile Margaret Bonar, Lady Rayth, the tyme of hir deceis, quha deceissit in the moneth of October, the yeir of God ane thowsand fyve hundreth thre scoir and fourtene yeiris, faythfullie maid and gewin vp be Johnne Melving, laird of Raith, fader and administratour to Agnes and Jonet Melvingis, their lauchfull barnes, and executouris datiues decernit to hir be decreit of the comissaris of Edinburght, as the samen of the dait the sewinteine day of Februair, the yeir of God foirsaid, at lenth proportis.

In the first, the said wmquhile Margaret had the guidis and geir, sowmes of money and dettis of the awaill and prices efter following pertenyng to hir the tyme of hir deceis foirsaid, wiz., vpone the ground and landis of the baksyde of Turlane, threttene oxin, price of the pece, sax pundis; summa, thre scoir and auchtene pundis: Item, of yowis and wedderis, four scoir and tua, price of the scoir our heid, saxtene pundis: summa, thre scoir and fyve pundis twelf schilling: Item, fyftie thre lambes, price of the pece our heid, sax schilling aucht penneis; summa, seuyntene pundis threttene schilling four penneis: Item, thre ky, price of the pece, fywe pundis sax schilling aucht penneis; summa, saxtene pundis: Item, tua quoyis of tua yeir auldis, and tua stirkis, price of the pece our heid, fourtie schilling; summa, aucht pundis: Item, tua work hors, price of the pece, tuelf pundis; summa, tuentie four pundis: Item, in his barne yarde, sax roukis of aittis, estimat to sewin chalder of aittis, price of the boll, with the fodder, threttie fywe schilling; summa, ane hundreth and four scoir saxtene pundis: Item, mair ane rouk of beir, estimat to fyftene bollis beir, price of the boll, with the fodder, thre pundis; summa, fourtie fywe pundis: Item, in vtenecilis and domicilis, estimat to thre scoir sax pundis thretene schilling four penneis.

Summa of the inventar, v^c^xxvj li. xviij s. viij d.

Followis the dettis awin to the deid. Imprimis, thair was awin to the said wmquhile Margaret be the tennentis and occupyaris of the manis of Rayth, for the half fermes of thair landis thair occupyit be thame, of this instant crope and yeir of God lxxiiij yeiris, four chalder meill, price of the boll, fourtie thre schilling four penneis; summa, ane hundreth and threttie aucht pundis threttene schilling four penneis: Item, mair awin be thame of thair saide half fermes, threttie tua bollis beir, price of the boll, fyftie thre schilling four penneis; summa, four scoir and fywe pundis sax schilling aucht penneis: Item, half ane chalder quheit, price of

the boll, thre pundis; summa, tuentie four pundis: Item, awin be the tennentis of the foir syd of Turbane, for the half fermes of thair landis thair, of the crope and yeir of God foirsaid, threttie bollis beir, price of the boll, fyftie thre schilling four penneis; summa, four scoir pundis: Item, awin be the tennentis and occupyaris of the landis of Pitcunmark and Schawis Mylne, for thair half fermes, of the crope and yeir of God foirsaid, threttie bollis meill, price of the boll, fourtie thre schillings four penneis; summa, thre scoir and fywe pundis: Item, mair awin be thame of thair said half fermes, auchtene bollis beir, price of the boll, fyftie thre schilling four penneis; summa, fourtie aucht pundis: Item, awin be Johnne Tod, tuentie four schilling: Item, awin be Robert Rannaldsoun, of the crope and yeir of God lxxiij yeiris, four bollis quheit, price of the boll, thre pundis; summa, tuelf pundis: Item, awin be Johnne Michelsoun, tuentie fywe pundis: Item, awin be Dauid Hagie, for ane furlatt of meill, ten schilling: Item, awin be Walter Lindesay ten pundis thre schilling: Item, awin be Johnne Millar, maltman, aucht pundis: Item, awin be Dauid Jamesoun, ten schilling: Item, awin be James Birrell, tuentie tua pundis.

Summa of the dettis awin to the deid, v^{c}xx^{li} vij s.

Summa of the inuentar, with the dettis, j^{m}xxxvij^{li} v s. viij d.

Followis the dettis awin be the deid. Item, thair was awin be the said vmquhile Margaret Boner to Margaret Malvill in Dysert, thre scoir and ten pundis: Item, mair awin to hir our yeir for four bollis meill, nyne pundis: Item, awin to Archebald Melvill in Dysert, tuentie pundis: Item, awin to James Talpe, fourtie pundis: Item, awin to Jhone Inglis, baxster, four pundis: Item, awin to Johnne Hird, fourtie schilling: Item, awin to Marioun Williamesoun in Kircaldie, tuentie sax pundis, nyne schilling, tua penneis: Item, awin to Janet Plant in Kircaldie, fourtie pundis auchtene schilling aucht penneis: Item, mair awin to hir for tua bollis aitt meill, four pundis ten schilling: Item, awin to Robert Erwyng, tuentie fywe pundis fywe schilling: Item, awin to Dauid Kynnynmonth threttie ane pundis: Item, awin to Robert Lychtman, maltman, fourtie four merkis: Item, awin to Johnne Clark in Dysert, fourtie pundis: Item, mair awin to him for tua bollis malt, sax pundis: Item, awin to Symon Marioribankis, tuentie aucht pundis fyftene schilling: Item, awin to James Wod, fyfty pundis: Item, awin to James Gray, maltman, tuentie four pundis nyne schilling four penneis: Item, awin to the Ladie Monquhanny, fourtie merkis: Item, awin to William Litster in Kingorne, ten merkis: Item, awin to Dauid Hutschone, fleshear, tuentie pundis sewintene schilling: Item, awin to Williame Lambe, tuentie sax merkis: Item, awin to Margaret Erwing, ten pundis: Item, awin to Issobell Bacanquell, four pundis ten schilling: Item, awin to Cristiane Hunyman, for aill, fywe pundis aucht schilling aucht penneis:

Item, awin to , baxster, fywe pundis ten schilling: Item, awin to Rob. Litster in Kirkcaldie, fywe pundis ten schilling: Item, awin to Williame Gray, gardener, sax pundis ten schilling: Item, awin to Helene Rynde, tuentie schilling: Item, awin to Allie Porteous, thre pundis tuelf schilling: Item, awin to Bessie Andersoun, sax pundis: Item, awin to tua wobsteris, fywe pundis ten schilling: Item, awin to Maister Peter Ramsay, four scoir of merkis: Item, awin to Dauid Pait, thre pundis: Item, awin to Agnes Peirsoun, threttie tua schilling: Item, awin to Willie Cois, four bollis meill, price of the boll, fourtie fywe schilling; summa, nyne pundis: Item, mair awin to him, fourtie schilling: Item, awin to Magie Boner, fywe pundis and ten schilling: Item, awin to Cristiane Boner, aucht pundis: Item, awin to the Ladie of Monquhanny in Dysert, of annuellis to be vpliftit furth of the landis of Rayth, Turbane, and Pitcunmerk, fourtie merkis: Item, awin to Margaret Maluill, of annuell, tuentie pundis: Item, awin to Archebald Meluill, of annuell, aucht pundis sax schilling aucht penneis: Item, awin to Marioun Williamesoun in Kircaldie, of annuellis, ten merkis: Item, awin to Margaret Erwing in Kingorne of wictuall, viz., fywe bollis meill, and tua bollis beir; price of the boll meill, fourtie thre schilling four penneis; price of the boll beir, fyftie thre schilling four penneis; summa, saxtene pundis thre schilling four penneis: Item, to Jhonne Lowdoun, of annuellis, ten merkis: Item, awin to Williame Litster and James Haip, of annuell, ten merkis: Item, awin to Maister Peter Spens, of annuellis, tuentie merkis: Item, awin to James Ekling, of annuellis, ten merkis: Item, awin to William Lambe, of annuellis, threttie thre schilling four penneis.

Summa of the dettis awin be the deid,	vij^{c}lxxj^{li} xvj s. ij d.
Restis of fre geir, the dettis deducit,	ij^{c}lxv^{li} ix s. vj d.
To be deuidit in thre pairtis,	
The deidis pairt is,	lxxxviij^{li} ix s. x d.

We, Maisteris Robert Maitland, dene of Aberdene, Eduard Henrisoun, doctor in the lawis, Clement Litill, and Alexander Sym, aduocattis, commissaris of Edinburgh, specialie constitut for confirmatioun of testamentis, vnderstanding that efter dew summoning and lauchfull warning, maid be forme of edict, oppinlie, as efferis, of the executouris and intromettouris with the gudis and geir of the said vmquhile Margaret Boner, and of vtheris havand interes, to compeir iudicialie befoir ws at ane certane day bipast, to heir and se executouris datiuis decernit to be gevin, admittit, and confermit be vs, in and to the gudis and geir quhilkis instlie pertenit to the said vmquhile Margaret the tyme of hir deceis, or ellis to schaw ane ressonabill caus quhy, etc. We decernit thairintill, as oure

decreit gevin thairupoun beris, conforme to the quhilk we, in owre souerane lordis name and auctoritie, makis, constitutis, ordinis, and confermis the saidis Agnes and Jonet Melvingis, lauchfull bairnis to the said vmquhile Margaret, as neirest of kin to hir, in executouris datiuis, with power to thame to intromet, vptak, follow, and persew, as law will, the gudis and geir abone specifiit, and thairwith to outred dettis to creditouris, and generallie all and sindrie vther thingis to do, exerce, and vse, that to the office of executorie datiue is knawin to pertene, prouiding that the saidis executouris sall ansuer and rander compt vpoun thair intromissioun quhen and quhair the samin salbe requirit of thame, and that the saidis gudis salbe furthcumand to all pairteis havand interes, as law will. Quhairvpoun thay haif fundin cautioun as ane act maid thairupoun beris. In witnes heirof, the sele of office of the said commissarie is affixt, at Edinburgh, the tent day of Merche 1574, anno j^{m} v^{c} lxxiiij yeiris.

JOHNE JOHNESTOUN.

Indorsed: The quote of this testament as it standis extendis to four pundis aucht schillingis. Maister JHON LEIRMONT.

101. RECEIPT by GEORGE MELDRUM of Fyvie to SIR ROBERT MELVILLE of Murdochcairnie, for a garnishing of gold. 27th April 1585.

I, GEORGE MELDRUM of Fywie grantis me, be the tennour heirof, to haif ressauit fra ane honorabill man, Sir Robert Melweill of Murdocarnye, knycht, ane garnising of gold sett with pearle, diamondis, and rubeis, quhilk wes ingagit be me in the said Sir Robertis handis, quhairof I hald me weill contentit and satisfeit, and thairfoir I, my airis, executouris, and assignayis, exoneris, quitclames, and dischargis the said Sir Robert, his airis, executouris, and assignayis, of the foirsaid garnesing for now and ewer: As alsua be thir presentis obleissis me and my foirsaidis to warrand, frie, and releiff the said Sir Robert and his foirsaidis of the said garnesing of gold sett with pearle, diamondis, and rubeis, as said is, at all handis haifing enteres, or onyewayis may pretend to haif enteres aganis the samen. In witness of the quhilk, I haif subscryuit thir presentis with my hand at Edinburgh, the xxvij day of Apryll, the yeir of God i^{m} v^{c} fourescoir fywe yeiris, befoir thir witnessis, Jhonne Meldrum off Jaxistoune, Jhonne Meldrum, brother to the laird off Fyvie; Thomas Meldrum, at the Myill off Knok Leith; Androv Meldrum, aperand off Jaxistowne. G. MELDRUM of Fyuie.

102. LETTERS by PATRICK, MASTER OF GRAY, commendator of Dunfermline, ratifying the erection of Burntisland into a Royal Burgh; and also the infeftment of Sir Robert Melville of Murdochcairnie, and Robert Melville, his son. 10th May 1586.

BE it kend tyll all men be thir present letteris me, Patrik, Maister of Gray, commendatare of the abbay of Dumfermeling, with expres consent of the convent thairof, that forsamekle as vmquhill George, archidene of Sanctandrois, and commendatare of the said abbay and convent of the samyn for the tyme, dimittit, resignit, and ourgaif, for thame and thair successouris, in the handis of oure souerane lordis vmquhill derrest gudischir King James the Fyft, of maist nobill memorie, to remane with him and his successouris for evir, all and haill the porte and hevin callit the hevin of Bruntiland, lyand contigue with the landis of Westir Kingorne, within the schirefdome of Fyiff: And als, all and haill the stane hous, toure, and fortalice, sumtyme callit the Abbotis Hall, with the vtheris houssis and biggingis thairof, with sex akeris of land nixt adiacent to the said poirt and hevin, beginnand fra the northe w(e) of the said stane hous and toure, and passand directlie eist as the heid of the hill passis vpoun the northe pairt, and fra the foirsaid port and hevin as the sie flowis vpoun the foirsaidis landis of Westir Kingorne to the eistwart, ay and quhill the foirsaidis sex akeris of land be compleit for bigging of ane toun, for vsing of the said poirt and hevin as in the said dimissioune and resignatioune at mair lenth is contenit: Be wertew quhairof the said stane hous, toure, and fortalice, with the poirt and hevin foirsaid, and the saidis sex akeris land becomand propertie to oure said souerane lordis vmquhill derrest gudschir; and thairfoir his hienes erectit the said poirt of Bruntiland in frie poirt, and the burght thairof in ane frie burght regall, with all privelegis and immunitcis pertening thairto, and siclyk and als frilie as ony vthir frie burght wes erectit within this realme; lyk as alsua oure said souerane lordis derrest mothir in hir perfyte aige gaif, granttit, and disponit to the richt honorabill Sir Robert Melvill of Murdocairny, knicht, his airis and assignais, the said stane hous, toure, and fortalice, and vtheris houssis adiacent thairto, with thair pertinentis; be quhais resignatioune Robert Melvill, his sone, is laithe infeft heretablie be oure souerane lord, and be wertew of his infeftment, is in peceabill possessioune thairof; and we, the commendatare and convent foirsaid, vnderstandand and perfytelie knawand that the said dimissioune and resigna-

tioune, with all infeftmentis and, namelie, the erectioune of the said burght following thairvpoun, ar in the lait parliament haldin at Linlythquow, vpoun the tuelf day of December last bypast, in the yeir of God i^{m} v^{c} fourescoir fyve yeris, ratefeit and apprevit, as ane speciall Act of Parliament maid thairanent at mair lentht proportis: And now, we having considderatioune that the said resignatioune and dimissioune wes maid for maist iust and ressonable caussis tending to the furthsetting of the policie of the realme in thais boundis quhair the said port, hevin, and burght ar situat, and for diueris vthir ressonable caussis moving ws thairto, we, for oure selffis and oure successouris ratefie, appreve, and afferme the said first dimissioune, resignatioune, and ourgevin of the said stane hous, toure, and fortalice, callit of auld the Abbotis Hall, with the vtheris houssis lyand nixt adiacent thairvnto, and thair pertinentis, and of the said poirt and hevin, and of the saidis sex akeris of land dimittit and resignit for bigging of the said burght, boundit and merchit as said is, with the said erectioune of the toun of Bruntiland in ane frie burght royall, and of the said hevin in ane frie poirt; and siclyk we ratefie and appreve the saidis infeftmentis of the said stane hous, toure, fortalice, and vtheris houssis adiacent thairto, maid to the said Sir Robert Melvill, and Robert Melvill, his sone, and his airis respectiue, in all pointis, heidis, claussis, and circumstancis thairof; and faithfullie bind and obleis ws and oure successouris that we sall nevir call the samyn in questioune, directlie or indirectlie, in ony tyme cumming; bot that the samyn sall remane and abyde with oure said souerane lord and his successouris, and the foirsaidis personis, thair immediat tennentis thairof, eftir the forme and tennoure of thair infeftment, but impediment or obstacle to be maid be ws and oure successouris in ony tyme to follow heireftir, dischairgeand all actioune, suite, and querrell that we and oure successouris may have, clame or pretend to the said toun, poirt, hevin, stane hous, toure, fortalice, and vtheris houssis pertening thairto, or to the maillis, proffeitis, and dewteis thairof, directlie or indirectlie, in ony tyme bypast, or to cum, to the effect that the said Sir Robert Melvill, and the said Robert, his sone, and his airis, and the inhabitantis of the said burght, ilkane for thair awin pairtis respectiue, may peceablie bruik and joyse the samyn in tyme cumming: And for the mair securitie, we ar content and consentis that thir presentis be actit and registrat in the buikis of parliament or counsall, to haiff the strenthe of ane act and decreit thairof, with lettres executoreallis to pas thairvpoun in forme as efferis; and for consenting to the registring of the samyn, makis and constitutis Mr. Thomas Craig,

and ilk ane of thame, coniunctlie and seuerallie, oure verrie laufull, vndowtit, and irreuocable procuratouris; promittendo de rato. In witness of the quhilk to thir presentis subscryvit with our handis the commoun seall of our said abbay is

appendit. At Edinburgh, the tenth day of Maie, the yeir of God im vc fourescoir sex yeris, befoir thir witnessis.

Alexr Stevine, ad id[em].	Johes Angus, ad id[em].	
. . . Mailvill, witnes.	Thomas Jamesone.	P. Mr of Gray.
Walter Adamsoun, witnes.	Alexr Aitkin, ad id[em].	
	Andreas Gray, ad id[em].	William Lummisden.

Indorsed: 6 July 1586. I, as procuratour for the abbot of Dunfermling and convent thairof, consentis to the registring heirof.

6 July 1586. Comperit Mr. Thomas Craig, procuratour, and consentit to the registring heirof.

103. Notarial Declaration by William Barclay of Touch, as to his ignorance of a contract of marriage between Sir William Scott of Balwearie and Sir John Melville of Raith. 14th May 1586.

Apud Kirkcaldie, decimo quarto die mensis Maii, anno Domini millesimo quingentesimo octuagesimo sexto, annoque regni supremi domini nostri regis decimo nono.

The quhilk day, in presens of me, notar publie admittit, and vitnessis vnderwrittin, comperit personallie the rycht honorabill Johne Malwill, elder of Raithe, quha past to the personall presens of William Barclay of Towcht, quha being demandit, askit, and requirit be the said Johne Malwill of Raithe to testifie and declair the trewtht in the materis and thingis vnderwrittin, vpoun his saull and conscience, as he wald answer to God at the day of iugement, quhen as the secreitis of all hartis suld be discloisit, the said William Barclay of Towch being seik of persone, bot yit of perfyt remembrance, the haly ewangell twichit, and being dewlie sworn for declaratioun of the trewtht declairis as followis: First, that he wes newer present at na contract of mariage past be vritt, nor vtherwayes, betuix vmquhill Schir William Scott of Balwerie, knycht, and vmquhill Schir Johne Malwill of Raithe, and his sone; secundlie, that he newer hard be the said vmquhill Schir Johne

Malwill, nor na vtheris, nor yit be bruit nor report, that the said vmquhill Schir Johne Malwill, hed ressawit fra the said vmquhill Schir William Scott, the sowme of tua hundrethe merkis, in part of payment of tochir gud promittit be the said vmquhill Schir Williame, with his dochter, to the said vmquhill Johne, with his sone, nor yit na vtheris sowmes of monej for that caus, nor na vtheris; thridlie, that he harde the said vmquhill Schir Johne Malwill of Raythe affirme, and say oft and mony tymes, that he suld newir put his eldest sone in the fie of his landis, nor yit suld be obleist thairto; and last of all, that Mr. Thomas Scott of Brunscheillis came to him within thir lait yeiris quha wald haif persuadit him, as it wer, that he wes ane vitnes in the said contract of mariage; at the quhilk tyme he constantlie affirmit that he newer knewe sic thinge. Super quibus omnibus et singulis prefatus Joannes Malwill de Raithe a me notario publico subscripto sibi fieri et confici petiit instrumenta publica, vnum vel plura, quotquot fuerint necessaria. Acta erant hec in domo habitationis dicti Villelmi Barclay de Towcht horam circiter terciam post meridiem sub anno, die, mense, et anno regni regis quibus supra; presentibus ibidem Joanne Barclay de Towcht, Dauide Barclay eius filio, Jacobo Malwill, Jacobo Birrell, Dauide Malwill, conburgensibus burgi predicti, et Henrico Orrok in Towcht, testibus ad premissa vocatis pariterque rogatis et requisitis.

A. Broun, notarius publicus in premissis requisitus asseruit.

104. Agreement between John Melville, elder, of Raith, Grizel Meldrum, his spouse, and John Melville, apparent of Raith. 31st January 1587.

At Rayth, the last day of Januar, the yeir of God j^{m} v^{c} fourscoir and sewin yeiris, it is finallie endit and apunctit betuix the rycht honourabill pairteis Johnne Maluill of Raythe and Girsall Meldrum, now his spous, vpoun that ane part, and Johne Maluill, apeirand of Rayth, vpone that vther part, in maner following: Forsamikill as be contractis of mareages it wes contractit that the said Johnne Maluill, youngar, suld be put in fie in all and haill the landis and manes of Rayth, Turbane, Pitconmark, Schawismilne, Pitscottie, Fedinche, and thair pertinentis, reseruand lyfrent thairof to the said Johne Maluill of Rayth, elder, and the said Girsall, his spous, coniunctfe and teircis thairoff, quhen the samin salhappin, with libertie to the said Johnne Maluill of Rayth, elder, for his awin releyf and help of the rest of his bairnes, to tak vpoune the saidis landis of Fedinche and Pitscottie, tuelf thousand markis Scoittis, besyid the aucht thousand and fywe hundreth markis wedset of befoir vpoun the saidis landis, off the quhilk tuelf thowsand

markis, fywe thousand markis thairof prowydit to the airis betuix the said Johnne Maluill of Rayth, and Girsall Meldrum, his present spous, thre thousand markis thairof prowydit to Thomas Maluill, lauchfull sone to the said Johnne and vmquhill Margret Bonar, his spous, and four thousand markis, makand out the said twelf thousand markis to the rest of the bairnis betuix the said Johnne Maluill and Girsall Meldrum, his spous; with prowisioun thairin giff the said Johnne Maluill of Raith, elder, be preuentit be death befor the said Johne Maluill, his sone, that the said Johne Maluill, youngar, sall pay the haill annuelrentis of the said tuelf thousand markis, with sindre vtheris claussis specefeit in the saidis contractis: Thairfor, for releyfing of the said Johne Maluill of Rayth, and Johne Meluill, his sone, his airis, and assignais, and the rest of the leving of Rayth, of the saidis thre seuerall sowmis of fywe thousand, four thousand, and thre thousand markis respectiue forsaid, makand the said tuelf thousand markis, and annuallis thairof, as said is, the said Johnne Malwyll, youngar, with counsall, consent, and assent of his said father, is content, and consentis be thir presentis that his father foirsaid, nochtwithstanding the saidis contractis, and that part quhair he suld be put in fie in all and haill the foirsaidis landis that his said father, in full contentatioun and satisfactiowne of the saidis thre sowmes respectiue, extending to tuelf thousand markis, infeft sufficientlie James Maluill lauchfull sone procreat betuix the said Johne Maluill of Rayth, elder, and Girsall Meldrum, now his spous, his airis and assignais quhatsumeuer in all and haill the said landis of Fedinche and pertinentis, liand within the regalitie of Sanct Androis and schirefdome of Fyiff, be resignatioun, confirmatioun, or wtherwyis, and ratefeis and apreyffis the infeftmentis thairof quhatsumeuir in all punctis alreddy giwin to the said James Maluill, and to that effect the said Johne Maluill, youngar, for him, his airis, and assignais, and all vtheris, be the tennour heirof, renuncis and ouregiffis all richt, title of richt, clame, propertie, and possessioun quhatsumeuir, quhilkis in the saidis landis of Fedinche and pertinentis he has, had, or may clame, or haif be ony maner of way in tymes cuming, to, and in favouris of the said James Maluill, his airis and assignais, quhatsumeuir, and that in full contentatioun and satisfactioun of the saidis thre seuerall sowmes, extending to tuelf thousand markis respectiue foirsaid, and sa'l neuir cum in the contrair heirof, nor moiff actioun aganes the said James and his foirsaidis heirfor; and gif it salhappin the said Johnne Maluill, youngar, his airis and assignais, to obtene infeftment of the saidis landis of Fedinche and pertinentis in ony tyme heirefter, than and in that cais sall resigne and renunce the samin toties quoties in favouris of the said James and his forsaidis; and mair, the said John Maluill, youngar, be thir presentis, consentis to the

alienatioun maid be John Maluill, his father, of four hundreth markis yeirlie annuell of the saidis landis of Fedinche vpoun reuersiones of four thousand markis to the said Johnne Melwyll elderis four youngast dochtaris, Alisoun, Margret, Cirstiane, and Catherene Malwyllis, ilk ane of thame ane hundreth markis annuell vpoun redemptioun, ilk ane of thame of ane thousand markis, conforme to thair infeftmentis, contening in thame reuersiones be ressoun of thair les ages, quhilk sowme of four thousand markis is ane part of the said tuelf thousand markis as said is, quhilk annuel rentis of four hundreth markis yeirlie, the said Johne Maluill, youngar, bindis and oblissis him to pay to the saidis lassis induring the said Girsall Meldrumis lyftyme efter her said husbandis deceis allennarlie, als the said Johne Melwyll, youngar, be thir presentis, consentis to the giffing of claus off warrandyis of the saidis annuelrent of the four hundreth markis furth of the landis of Pitscottie Eistar during the lyftyme of the said Girsall Meldrum as said is, and na langar, and efter hir deceis the saidis annuallis to be yeirlie and termelie vpliftit of the saidis landis of Fedinche and pertinentis, and the saidis landis of Pitscottie and pertinentis fred and releyfit thairof fra thyne furth, ay and quhill the laufull redemptioun of the saidis annuallis be the said James Melwyll and his foirsaidis, and that becaus it is prowydit be contractis foirsaid that the said John Melwyll, youngar, sall mak the saidis landis of Fedinche and pertinentis fre to the said Girsill Meldrum, with four chaldaris victuall fre to hir of the landis of Turbane, and with Schawismiln, mulcturis, miln landis, teindis, and kane thairof during hir lyftyme giff sche oure leyfis the said Johne Melwyll of Rayth, hir husband, to the quhilk alsua the said John Melwyll, youngar, be thir presentis of new consentis. For the quhilk caus the said Girsall Meldrum, with expres counsall, consent and assent of hir said husband, be the tennour heirof, of hir awin fre motiwe will vncoactit or compellit heirto, nochtwithstanding ony contractis of befoir, renuncis, and frelie oure gifis all and haill hir coniunctfe and lyfrentis of the landis of Pitconmark and partinentis liand within the regalitie of Dunfermling and schirefdome forsaid, except Schawismiln, mulcturis, teindis, kane thairof, and pertinentis, and als renunces the half landis of Rayth and pertinentis giffin hir in claus of warrandyis of the ane half landis of Pitconmark, quhairin the said Girsall wes prowydit becaus of Margret Douglas lyfrent, and that to and in fauouris of the said Johne Maluill, youngar, Margret Scot, his spous, thair airis and assignais, sua the said Girsill takis hir onelie to the landis of Fedinche and pertinentis for nyne chaldaris victuall and the four chaldaris victuall out of Turbane, and to Schawismiln and pertinentis foirsaid for thre chaldaris victuall, as hir infeftment thairof beris, makand in the haill to hir for hir coniunctfe and all teircis of the said leving. saxtene chaldaris victuall, tua part ait maill, and thrid pairt beir,

conforme to hir contract of mareage with the said Johne Maluill of Rayth, now hir husband; and finallie, for the premissis, the said Johnne Melwyll, elder, with consent of the said Girsall, his spous, be ressoun of her contract of mareage, sal releyf the said Johne Maluill, youngar, his airis and assignais, of the saidis thre seuerall sowmes of fywe thousand, four thousand, and thre thousand markis, extending to the foirsaid tuelf thousand markis, and acceptis, thairfoir, the heretable richt of Fedinche and pertinentis, to the said Girsall, his spous, in coniunctfe for nyne chaldaris victuall, quhairto sche consentis be thir presentis, and eftir hir to the said James Malwyll, thair lauchfull sone heretablie, his airis and assignais quhatsumeuir, likeas also the said Johne Maluill of Rayth, eldar, bindis and oblissis him, and his foirsaidis, to freyth, releyf, and mak the haill rest of the leving of Rayth fre of all wedsetis and annuellrentis thairupoun in his lyftyme of his deid, except the aucht thousand and fywe hundreth markis specefeit in his sones contract. Fynallie, for obseruing, keiping, and fulfilling of all and sindre the premissis, all the saidis parteis faythfullie bindis and oblissis thame, thair airis, executouris, and assignais, ilk ane to vtheris, for thair awin partis thairof, and for the mair securitie ar content, and consentis that thir presentis be insert and registrat in the bukis of our Souerans sessioun, and commissaris of Edinburgh and Sanctandrois, and decernit to haif the strenthe, force, and effect of actis and decreitis thairof, with executoriallis of horning to pas thairupoun at the will of the partie requirand, and that the horning be vpone ane simple charge of sax dayes allenerlie, and for acting and registering heirof all the saidis parties with ane consent and assent, makis and constitutis rycht honourabill Maisteris

thair procuratouris, coniunctlie and seuerallie, to compeir befoir the saidis lordis and commissaris quhatsumeuir dayes and places neidfull, and thair in thair names to consent to the registering heirof, promittand to hauld firme and stable be thir presentis, subscryuit with thair handis in maner following, day, yeir, and place forsaid, befoir thir witnessis, Henry Orrok, W^m^ Kempe, and Johne Bissit, tailiecour, Henry Young, notar, and John Johnstone.

I, GIRSALL MELDRUM, with my hand at the notaris pen vndirwrittin, at my command, becaus I can nocht subscryve my self

JHONE MALUILL of Raith, w^t^ my hand.

JOHNE MALUILL, apperant of Ray^t^, v^t^ my hand.

Villiame Kemp, witnes. Henry Orrok, witnes.

Johnne Johnestowne, witnes.

Ita est Henricus Young notarius publicus admissus, de speciali mandato dicte Girsalis Meldrum subscribere nescientis, vt asseruit, requisitus, asserui.

H Y.

105. DISCHARGE by GEORGE AUCHINLECK of Balmanno to JOHN MELVILLE of Raith, for 5000 merks of tocher. 25th January 1588.

I, GEORGE AUCHINLEK of Balmanno, be the tennour heirof, grant me to be satisfyitt and contentit of the sowme of ane thousand merkis money promittit to me be Johne Melwyn of Raytht, eldar, and Johne his son, fear, in contract of mariage betuix Issobell Melwill, dochter to the said laird of Raytht, eldar, and George Auchinlek, my eldast son and apperand air, in the first payment of fywe thousand merkis appointit to be payitt be the saidis lairdis of Raytht witht the said Issobell in tocherguid, as the said contract, of the daitt, att Edinburgh, the xxv of Januar, at mair lenth beris; as alsua I frelie remittis and forgevis to the saidis lairdis of Raytht ane of the tua hunderd merkis promittit to be payitt in the lattir end of the said contract, for the anuell of tua thousand merkis xx dayis befoir Witsonday, in the yeir of God i^{m} v^{c} and four scoir ten yeris, the quhilkis sowmes of alevin hunderd merkis money foirsaid promittit to be payitt in maner foirsaid, I, for my self, my airis and executouris, exoneris, quytclames, and frelie dischargis to saidis lairdis of Raytht, eldar and youngar, thair airis and executouris, for now and evir, be thir presentis, subscryuit witht my hand at Edinburgh, the xxv of Januar the yeir of God i^{m} v^{c} and four scoir aucht yeris, befoir thir witnessis, Robert Auchinlek, scruitour to Schir Robert Melwyn, Hendre Orrok, and William Kempt, scruitouris to the said laird of Raytht, eldar, witht vtheris dyuers.

Henry Orrok, vitnes.
Villiame Kemp, vitnes.

GEORGE AUCHINLEK of Balmanno,
w^{t} my hand.

106. RECEIPT by DAVID WEMYSS of that ilk to JOHN MELVILLE of Raith, for 2500 merks of tocher. 15th May 1589.

I, DAUID WEMYS off that ilk, grantis me to haiff receauit, be tenour of this present wret, fra John Melweill of Raith the soume of tuentie fyve hundreth markis monei Scottis, in compleit payment of his dauchter, Margret Melweilis toucher gud, my dauchter of law, spous to my sonne, James Wemys, fear of Bogy; of the quhilk soume of tuentie fyve hundreth markis monei foirsaid, being compleit payment of the said toucher gud, I hald me weill contentit, payit, and satisfeit, quytclamis, exoneris, and dischairgis the said John Melweill of Raith, his airis, executouris, assignayis, and all vtheris quhom it effeiris, of the samyn fra me, my airis, executouris, assignayis, and all vtheris pretendand, or that may pretend interes

thairto, be this my acquittaunce subscryuit with my awin hand at the place off West Wemys, the fyftein day of Maii, the yeir of God im vc four scor nyn yeiris, befoir thir witnessis, Dauid Lyndsay of Pyotstoun, Henry Young, nottar, and Mr. John Tullus, minister at Wemys.

DAVID WEMYSS off that ilk.
Dauid Lyndesay of Pyotstone, wytnes.
M. Jhon Tullus, witnes.
H. Young, notarius, testis.

107. RECEIPT by MICHAEL BALFOUR of Burley to SIR ROBERT MELVILLE of Murdochcairnie, for jewels that belonged to his mother. 23d July 1591.

I, MICHAELL BALFOUR of Burly, gran[tis me] to haue ressauit fra the rycht honorabill Schir Robert Meluill of Myrdocarny [knycht], etc., as executour to my vmquhile mother, Dame Margrat Balfour of Burly, ane [gi]lt cheinzie of gold, contenand aweht lang knappis with ane round knap [a]nd peirll at the end; ane pair of brais-lattis sett with agattis and p[ei]rll; and ane tablett sett with ane sapheir, and with sum smal rubies in the circuit thairof, quhilkis I accep as airschip of the jowellis of my mothirs body, and quhairof I exoner the said Schir Robert for ewer, be thir presentis subscruit with my hand at Edinburgh, the xxiij day of Julii, anno, etc., four score ellevin yeiris, befoir thir witnessis, Alexander Hoppringle, Maisteris Hew Mylis and William Broun, with vther diuers.

M. BALFOUR off Burly.

108. CONTRACT between SIR ROBERT MELVILLE of Murdochcairnie and JAMES BALFOUR, commendator of the Charterhouse, for sale of the palace of Monymail. 19th December 1592.

AT Edinburgh, the xix day of December, the yeir of God im vc fourscoir tuelf yeiris, it is appointit, contractit, and finalie aggreit betuix honorabill pairteis, to wit, Sir Robert Meluill of Murdocarny, knicht, thesaurar to our souerane lord, on the ane pairt, and James Balfour, commendatare of the priorie of Charterhous, and Mr. Patrik Balfour of Petculloch, his father in law, on the vther pairt, in maner, forme, and effect as efter followis: That is to say, the said commendatare, with consent of the said Mr. Patrik, for all rycht and titill he and his airis had, hes, or may haue, or pretend, to the palice efter specifeit, hes sauld, annaleit, and disponit, and be the tennour of thir presentis, with consent foirsaid, sellis,

annaleis, and disponis to the said Sir Robert, his airis and assignais, all and haill the said commendataris palice, ludging, and maner place of Monymeill, with houssis, biggingis, yairdis, ortcheardis, barnis, doucattis, cunynghairis, pairtis, pendiclis, outsettis, annexis, connexis and dependencis; and als the grene lyand foranent the foir yett of the said place; and siklyke with all kynd of commoun and pasture, with the commoun and communtie of Petcountie and Lethame respectiue, with all and sindrie priuilegis and richtis quhatsumeuir pertening, or that may be ony richt pertene, to the said place of Monymeill, with the pertinentis quhilkis ar not specialie and expreslie contenit in the few charteris of the tennentis of the saidis landis of Petcountie, Lethame, and Kinzeoquhy, and all vther waist places pertening to the said maner place of Monymeill, and lyand about the samyn, and not lauchfullie sett befoir the making of the infeftment therof to vmquhile Sir James Balfour of Pittindrech, knicht, with frie ische and entrie, and with power to the said Sir Robert Meluill, his airis and assignais, to caus and compell all publict gaitis, streitis, and passages of the saidis landis, and about the said place of Monymeill, to be keipit and conseruit in maner and forme vsit and wount; and all and sindrie the stra and fodder reseruit to the possessouris of the said place in the few charteris of the tennentis of the saidis landis of Lethame, with all vther priuileges, richtis, titillis, and vtheris pertinentis quhatsumeuir, lyand in the regalitie of Sanctandrois, within the schirefdome of Fyff; to be haldin of our souerane lord and his successouris in the place of the archebischope of Sanctandrois, now superiour therof, be virtew of the act of annexatioun, siklike and als frelie and for payment of siklike few dewitie as the said vmquhill James Balfour held the said place of befoir, and wes obleist to pay be virtew of his originall infeftment thairof; and the said commendatare sall, be his charter of alienatioun, deulie infeft and sease the said Sir Robert and his foirsaidis in all and haill his said place and palice, with ther pertinentis and priuilegis respectiue foirsaidis, to be haldin as said is with confirmatioun at the expenss of the said Sir Robert Meluill to pas thairwpoun; and the said commendatare sall enter the said Sir Robert, and his servandis in his name, to the said palice, houssis, and yairdis, and delyuer the possessioun thairof and keyis of the samin betuix this and the day of nixtocum; and the said Sir Robert sall alsua vpoun his expenssis caus the infeftment maid be the archebischope of Sanctandrois for the tyme to the said vmquhile Sir James Balfour, of the said place and vtheris foirsaidis, to be dewlie confermit and past throw the haill seillis ordourlie as effeiris; quhilk confirmatioun being perfite, the said commendatare obleissis him, his airis and assignais, to warrand, acquiet, and defend to the said Sir Robert, his airis and assignais, all and haill the foirsaid place and palice of Monymeill, with

houssis, biggingis, yairdis, ortcheardis, priuilegis, and vtheris respectiue, abone contenit, with thair pertinentis quhatsumeuir frie and saiff fra all evictioun, alienatioun, dispositioun, inconvenientis, fact and deid quhatsumeuir proceiding fra the said vmquhile Sir James and the said commendatare allanerlie. For the quhilkis caussis the said Sir Robert Meluill faithfullie bindis and obleissis him, his airis, alsweill of tailzie and be provisioun as of lyne, executouris, successouris, and assignais quhatsumeuir, to thankfullie content and pay to the said Mr. Patrik Balfour of Petculloch, in name of the said commendatare, and at his command, for satisfeing of the said commendataris dettis, and to the said Mr. Patrikis airis, executouris, or assignais, the sowme of fyve thousand and fyve hundrith merkis gude and vsuall money of this realme, in maner and at the termes following: That is to say, the sowme of fyve hundrith merkis instantlie in hand to the saidis Mr. Patrik and commendatare, quhairof thai hald thame weill contentit, and dischairgis the said Sir Robert, his airis, executouris, and assignais of the samin for euir; tua thousand merkis at Witsonday nixtocum, in the yeir of God i^m^ v^c^ fourescoir threttene yeiris; and the sowme of thre thousand merkis money, in compleit payment of the said haill sowme of fyve thousand fyve hundrith merkis, betuix that and the feist of Martinmes nixtocum, in the said yeir of God i^m^ v^c^ fourescoir threttene yeiris; togidder with the sowme of tua hundrith merkis, as for the haill yeiris annuelrent of the said sowme of tua thousand merkis, but langer delay, fraude, or gyle; prowyding allwyse lik^e^ as the said Sir Robert specialie aggreis to this present contract, that in caice it sal happin him or his foirsaidis to failzie in payment of the saidis sowmes at the termes respectiue foirsaidis, than and in that caice the said Sir Robert sal be haldin, lyke as be thir presentis obleissis him, his airis, alsweill of tailzie and be provisioun as of lyne, executouris, successouris, and assignais to repone the said commendatare and his airis in thair awin place and richt of the foirsaid palice, priuilegis, and pertinentis thairof abone-expremit; and the said Sir Robert sall mak resignatioun in the superiouris handis of the said palice, with the pertinentis foirsaidis, in fauouris and for infeftment, to be gevin agane thairof to the said commendatare and his airis; as alsua the said Sir Robert nor his foirsaidis sall haue na richt nor actioun to repeit nor craive agane fra the said commendatare or Maister Patrik na part of the said sowme of fyve hundrith merkis ellis payit; bot thai sall haue just causis and richt to retene the samin in thair awin hand, and for the mair securitie, ather of the saidis pairteis ar content, and consentis that thir presentis be insert and registrat in the buikis of counsall and sessioun, and haue the strenth of ane act and decrete of the lordis thairof, and thair auctoritie to be interponit thairto, with executoriallis of horning, poinding, and wairding, the ane but preiudice of the vthir, to pas thairwpoun in

forme as effeiris; and for registering heirof, makis and constitutis and ilk ane of thame, coniunctlie and seueralie, thair laufull vndoutit and irreuocabill procuratouris to compeir befoir the saidis lordis and consent to the registering of this contract in maner foirsaid: Promittentes de rato, in vberiori constitutionis forma: In witnes of the quhilk thing baith the saidis pairteis hes subscriuit this contract with thair handis, day, yeir, and place foirsaidis befoir thir witnessis, James Bosuell, Robert Auchinlek, Johne Dyn, and Mr. Wm. Broun, seruitouris to the said Sir Robert, with vther diuers, and Walter Adamesoun.

S. ROBERT MELUILL of Murdwkarneye, kny^t^.
J. BALFOUR of Charterhus.
Mr. P. BALFOUR off Petcullo.
Walter Adamisoun, witnes.
R. Auchinlek, witnes.
W. Broun, witnes.
James Bosuall as witnes.

In dorso: Maisteris ye sall in our name, contractaris within writtin, compeir before the lordis of sessioun and consent to the registratioun of the samin contract, quhilk we promit to hald firme and stabill be thir presentis, subscriuit with our handis, day, yeir, and place within mentionat.

S. ROBERT MELUILL.
J. BALFOUR of Charterhus.
Mr. P. BALFOUR of Petcullo.[1]

109. TESTAMENT of DAME MARGARET KER, spouse of Sir Robert Melville, younger of Burntisland. 24th July 1595.

THE Testament Testamentar and Inuentar of the guidis, geir, sovmes of money, and dettis pertening to wmquhile Dame Margaret Ker, sumtyme spous to the rycht honorabill Sir Robert Melwill, younger of Bruntiland, knycht, the tyme of hir deceis, quha deceissit in hir place of Murdocairney wpone the tuentie four day of Maii the yeir of God ane thowsand fywe hundreth fourscoir fourtene yeiris, faythfullie maid and gewin vp be the said Sir Robert Meluill of Bruntiland, knycht, hir

[1] A charter was granted by the said James Balfour, commendator of the Charterhouse, to Sir Robert Melville, and Mary Leslie, his spouse, etc., following on the above disposition, to be held from the granter of the king and his successors. Dated at Dundee 20th February 1592, and signed by the granter and his father-in-law, and by James, Master of Sinclair, Andrew Balfour, fiar of Mountquhany, and other witnesses.

spous, quhome scho nominat, maid, and constitut hir onlie executour, testamentar, and vniuersall intromettour with hir guidis and geir in hir latterwill wnderwrittin, as the samyne, subscriuit with hir awin hand of the dait, at Murdocairney, the sevint day of Maij, the yeir of God foirsaid, at lenth proportis.

In the first, the said wmquhile Dame Margaret Ker and the said Sir Robert Meluill, younger of Bruntiland, knycht, hir spous, had the guidis, geir, sowmes of money, and dettis, of the awaill and prices efter following, pertening to thame the tyme of hir deceis foirsaid, wiz.:—Item, wpoun the ground and landis of Murdocairney tuentie oxin, price of the pece ouerheid, ten pundis; summa, tua hundreth pundis: Item, mair wpoun the said ground and landis of Murdocairney, sax ky, price of the pece ouerheid, aucht pundis; summa, fourtie aucht pundis: Item, mair wpoun the said ground and landis of Murdocairney, thrie stottis of ane yeir auldis, price of the pece ouerheid, fyftie thrie schillingis four penneis: summa, aucht pundis: Item, four wark hors by the airschipe hors, price of the pece ouerheid, threttene pundis sax schillingis aucht penneis; summa, fyftie thrie pundis sax schillingis aucht penneis: Item, mair wpoun the said ground and landis, ane meir, price threttene pundis sex schillingis aucht penneis: Item, ane meir staig of ane yeir auld, price thairof, ten pund: Item, ane vther wark meir, price thairof, ten pund: Item, mair wpoun the said ground and landis, fyftie sex milk yowis, price of the pece ouerheid, threttie schillingis; summa, fourscoir four pundis: Item, mair wpoun the said ground and landis, threttie sax yeild yowis and gymmeris, price of the pece ouerheid, tuentie sax schillingis aucht penneis: summa, fourty aucht pundis: Item, mair wpoun the said ground and landis, threttie four wedderis and rammis, price of the pece ouerheid, threttie schillingis; summa, fyftie ane pundis: Item, mair wpoun the said ground and landis of Murdocairney, fourty thrie lambes, price of the pece ouerheid, ten schillingis; summa, twenty ane pundis ten schillingis: Item, sawin on the said ground and landis of Murdocairney on the manis thairof, tuentie four bollis quheit, estimat to the feird corne, extending to fourscoir saxtene bollis quheit, price of the boll with the fodder, sax pundis threttene schillingis four penneis; summa, sax hundreth fourtie pundis: Item, mair sawin on the said ground and landis, auchtene bollis peis and benis, estimat to the feird corne, extending to thrie scoir tuelf bollis peis and benis, price of the boll with the fodder, fywe pundis: summa, thrie hundreth thrie scoir pundis: Item, mair sawin on the said ground and landis, fourtie fywe bollis beir, estimat to the feird corne, extending to nynescoir bollis beir, price of the boll with the fodder, fywe pundis; summa, nyne hundreth pundis: Item,

mair sawin on the said ground and landis of Murdocairney, fourscoir bollis aittis, estimat to the thrid corne, extending to tuelf scoir bollis aittis, price of the boll, with the fodder, four pundis; summa, nyne hundreth thriescoir pundis: Item, in vtencilis and domicilis by the airschipe, togidder with the abuilzementis and ornamentis of hir bodie, estimat and extending to the sowme of thrie hundreth threttie thrie pundis sex schillingis aucht penneis money.

Summa of the inuentar, iij^{m}vij^{c}xl^{lib} x s.

Na dettis awin to the deid.

Followis the dettis awin be the deid. Item, thair was awin be the said wmquhile Dame Margret Ker and the said Sir Robert Meluill of Bruntiland, knycht, hir spous, to Dauid Mour, for his yeiris fie, the sowme of ten pundis money: Item, awin to Jhonne Braid, seruand, for ane yeiris fie the sowme of ten pundis money: Item, awin to Thomas Swintoun for his fie the sowme of ten pundis threttene schillingis four penneis: Item, awin to Jhone Layng, for his fie, the sowme of fourtie schillingis: Item, awin to Robert Fouller, the sowme of fourtie schillingis: Item, awin to Robert Andersoun, the sowme of fywe pundis: Item, awin to Jhone Mylis, the sowme of tuelf pundis: Item, awin to Dauid Seytoun, for his byrun fies, the sowme of ane hundreth pundis: Item, awin to Issobell Clapane, for byrun fies, the sowme of fourtie pundis: Item, awin to Cristiane Symesoun, the sowme of ten pundis: Item, awin to Dauid Robertsoun in Couper of Fyff, the sowme of tuentie pundis: Item, awin to Alexander Wodderburne thair, the sowme of tuenty fywe pundis: Item, awin to Jhonne Dais, flescheour in Couper, the sowme of ane hundreth pundis: Item, awin to Williame Wilsoun thair, the sowme of tuentie pundis: Item, awin to Jhonne Hackstoun in Hilcairney, of borrowit money, the sowme of tua hundreth pundis: Item, awin to Williame Lamb in the Steill, the sowme of fourscoir ten pundis: Item, awin to Jhonne Kynnisman in Rethillet, the sowme of ten pundis: Item, awin to Beatrix Hunter, the sowme of allewin pundis: Item, awin to Jhonne Patersoun, younger, the sowme of sax pundis: Item, awin to Grissell Russell in Bruntiland, the sowme of threttie sex pundis: Item, awin to Thomas Wichtman, flescheour thair, the sowme of tuentie sewin pundis: Item, awin to Jhonne Robertsoun, maltman, the sowme of fourscoir ane merkis: Item, awin to Robert Fluikar, the sowme of aucht pundis: Item, awin to Jhonne Wylie, the sowme of aucht pundis: Item, to Jhonne Coilzear, the sowme of thrie pundis: Item, awin to Williame Broun, flescheour thair, the sowme of fywe pundis: Item, awin to James Rannald, merchand burges of Edinburgh, the sowme of tua hundreth tuentie sax pundis: Item, awin to Robert Jowsie, merchand burges of Edinburgh, the sowme of tua hundreth threttie thrie pundis sex schillingis aucht penneis: Item, awin to Robert

Erskin, tailzeour, the sowme of fourtie pundis: Item, awin to James Merschell, cordiner, the sowme of fourtene pundis: Item, to Jhonne Dowgall, merchand, the sowme of thriescoir ten pundis: Item, awin to Maister Robert Incha [Hyndshaw], minister at Kilmaney, for teind siluer, the sowme of thriescoir pundis: Item, awin to Williame Symontoun, saidler, the sowme of tuentie pundis: Item, awin to Williame Monypenny, sone to the laird of Pitmillie, of borrowit siluer, the sowme of ane hundreth pundis money: Item, to Dauid Sibbald of Lethame, the sowme of fywe hundreth merkis: Item, mair awin to the said Williame Monypenny, sonne to the laird of Pitmillie, the sowme of thrie hundreth threttie thrie pundis sax schillingis aucht penneis money.

Summa of the dettis awin be the deid, ii^{m}ii^{c}liiii^{lib} xiii^{s} iiii^{d}.

Restis of frie geir, the dettis deducit, i^{m}iiii^{c}lxxxv^{lib} xvi^{s} viii^{d}.

To be diuidit in tua partis, deidis part is vii^{c}xlii^{lib} xviii^{s} iiii^{d}.

Followis the deidis legacie and latterwill. Wpone the sevint day of Maij, the yeir of God ane thowsand fywe hundreth fourscoir fourtene yeiris, the quhilk day the said Dame Margaret Ker, spous to Sir Robert Meluill, younger of Bruntiland, knycht, maid hir legacie and latterwill in maner following, wiz.: In the first, my saull repoissis in my merciefull God Omnipotent and luifling father, throuch Chryst, his sone, my onlie Saluiour, quha hes redemit me frome all my synnis, and assuiris me heirof, be the wirking of his Holie Spreit in me trew fayth and lywelie hoip, witnessing to my conscience and spreit this present confort and joy in saull, quhilk I hoip to possess fullellie at my desolutioun, quhen it sall pleis the Lord of mercie to end my battell heir on erth. Nixt, I leif my bodie heir on eirth to be vsit and bureit at my husbandis wisdome and discretioun. Thridlie, I mak, constitut, and nominat the said Sir Robert Meluill of Bruntiland, knycht, my husband, my onlie executour and intromittour with my haill guidis and geir, and to gif vp inuentar bayth of the guidis, geir, and dettis, and to satisfie and pay all creditouris and seruandis fies quhatsumewer I am addeitit to onie persoune or persounes. Last, that my husband may the better accompleis he and performe this my will in all thingis as I haif particularlie declairit and recommendit vnto him, and specialie to gif to the pure the sowme of ane hundreth pundis, to be vsit at his awin discretioun and dispositioun, I mak and constitut him, be this my legacie, assignay and donatour to my haill pairt of testament as sall appirtene to me, dettis and legacies being deducit; and for the mair verificatioun heirof, I haif subscriuit this my latterwill with my hand, at Murdocairney, day, yeir, and place foirsaids, befoir thir witness, Maister Jhonne Mackgill, aduocat, and Gilbert Sanderis, his seruand, sic subscribitur, MARGARETT KER. Maister Jhonne M^{c}Gill, witnes, Gilbert Sanderis, witnes. M^{r} PA. FORREST.

We, Maisteris Johnne Prestoun, Eduard Bruce, Johnne Arthour, and Johnne Nicolsoun, aduocatis, commissaris of Edinburgh, specialie constitut for confirmatioun of testamentis, be the tennour heirof ratifeis, appreuis, and confermis this present testament or inuentar, in sa far as the samyn is deulie and lauchfullie maid of the guidis and geir abonespecifeit allanerlie, and gewis and committis the intromissioun with the samyn to the said Sir Robert Meluill, onlie executour testamentar to the said vmquhile Dame Margaret Ker, his spous; reseruand compt to be maid be him thairof as accordis of the law, quha, being suorne, hes maid fayth treulie to exerce the said office, and hes fundin cautioun that the guidis and geir abonewrittin salbe furthcumand to all parteis haifand enteres, as law will, as an act maid thairvpoun beiris. In witness quhairof the seill of office of the said comissarie is heirto affixit, at Edinburgh, the xxiiii day of July 1595.

J. RICHE.

The quott of this testament be compositioun of my lordis commissaris extendis to twentie poundis money. MR AR LEVINGSTOUN.

110. AGREEMENT between WALTER, LORD BLANTYRE, Treasurer, the KING and SIR ROBERT MELVILLE of Murdochcairnie, on the demission by Sir Robert of his office of Treasurer. 13th March 1595.

AT Edinburgh, the threttene day of Marche, the yeir of God im vc fourscoir fyftene yeiris, forsameikle as Sir Robert Melvill of Murdocarny, knycht, thesaurair deput to our souerane lord, vnderstanding that he was nocht abill to vse and exerce the said office in respect of his inhabilitie and seiknes, hes instantlie dimittit, resignit, renuncit, and ouirgevin the samen in the handis of our said souerane lord, to be vsit, disponit vpoun, and gevin be his hienes to quhatsumeuir persoun or personis he pleis present and nominat thairto. And becaus our said souerane lord restis awin to the said Sir Robert the soume of fyve thousand merkis money of this realme, his Maiestie and Walter, commendatour of Blantyre, thesaurair to his Hienes, sall refound, content, pay, and thankfullie delyuer to the said Sir Robert Melvill of Murdocarny, knycht, instantlie in hand at the making of thir presentis, the soum of tua thousand merkis money foirsaid, of the said soume of fyve thousand merkis, and in pairt of payment thairof. And the said Walter, commendatour of Blantyre, thesaurar to our souerane lord, oblissis him and his successouris in the said office of thesaurarie, to content and pay to the said

Sir Robert, his airis, executouris, and assignais, aucht dayis befoir the termes respective eftir following, the soume of thrie thousand merkis money abone specifeit in compleit payment of the said soume of fyve thousand merkis, betuix the day and dait heirof and the feist and terme of Witsounday nix to cum. And the said Sir Robert Melvill oblisses him to mak compt and rekning of his Maiesties casualities intromittit with be him sene the dait of his last compt. And quhat sal be fundin auchtand to him in the futt of his said compt to be maid be him, and he superexpendit, our said souerane lord and the said Walter, commendatour of Blantyre, thesaurar, and his successouris foirsaidis, sall pay the samen to the said Sir Robert Melvill at four termes wnderwrettin: That is to say, the first termes payment thairof beginand at the feist and terme of Mertimes nixt eftir and immediatlie following the dait of the making of the said Sir Robertis compt. The second terme proportionallie at the feist of Witsonday nixt thaireftir. The third termes payment proportionallie at the feist of Mertimes nixt thaireftir, and the feird termes payment and last proportionallie at the feist of Witsonday nixt thaireftir. And lykvayis our said souerane lord, with auise of the lordis auditouris of cheker, declairis and promeisis that the soume of fyve hundreth pundis off pensioun quhilk the said Sir Robert Melvill hes yeirlie to be vpliftit furth of his Maiesties casualities sall stand in full effect and salbe payit to him yeirlie during all the dayis of his lyftyme be the thesaurar and his successouris. And the dett auchtand be the said Sir Robert to Robert Jowsie, burges of Edinburgh, extending to the soume of tuentie thousand pundis, our said souerane lord hes taken af his hand, and sall pay the samen to the said Robert Jowsie, and releif the said Sir Robert thairof at his handis; quhilk haill soume of fyve thousand merkis and tuentie thousand pundis salbe defalkit and allowit to the said Sir Robert Melvill in pairt of his payment of the super expensis auchtand to him at the fut of his last compt maid be him to the lordis auditouris of cheker for the tyme in the moneth of October, the yeir of God i^m v^c fourscoir threttene yeiris; quhilk soume of super expensis restand in the fut of the said compt extendis to the soume of threttie fyve thousand vj^c fourescore vj^li viij^s j^d wsuall money of this realme. And for the mair securitie ather of the saidis parties ar content and consentis that thir presentis be insert and registrat in the buikis of cheker and decernit to haif the strength of ane act and decreit of the lordis thairof, with executorialis to pas thairvpoun in forme as effeiris; and for registering heirof makis and constitutis and ilk ane of thame,

conjunctlie and seuerallie, our lauchfull procuratouris. In witnes quhairof ather of the saidis parties hes subscryvit thir presentis with thair handis, day, yeir, and place foirsaid, befoir thir witnessis, Alexander Lord of Vrquhart, Mr. Johnne

Skene, clerk of register, Williame Schaw, maister of wark, and Mr. James Elphingstoun of Inuernochtie. JAMES R.

Mr. John Lyndesay, vitnes. BLANTYRE.

M. J. Elphinstoun, witnes.

Cl^{s} Reg^{ri}, witnes.

A. Seton Vrquhart, witness.

Williame Schaw, witnes.

xvii Marcij 1595.

The aduocat for the kyng present, and Sir Robert Meluill and the thesaurar present lyikwayis, quha bayth wes content and consentit that thir presentis be insert in the buikis of chekker.

[Letter enclosed in the above Agreement.]

TRAIST FREND,—I will dyssire yow to resolue me quhat sowms Jhone Grhaye resauit, fraye Jwne fourschoir sax till the last of Jwne fourschoir sewyne, of singnatours past the register, and geue ye remembir oneye moneye he resauit otherwis. I haif dissirit this berar to sut your adwis in swme of thire partyculars that he will informe yow conserning Robert Abacrumme and Jhone Grhaye.—Your lowing frend, S. ROBERT MELUILL.

111. TESTAMENT of GRISSEL MELDRUM, spouse of John Melville of Raith. 26th December 1598.

THE testament datiue and inuentar of the guidis, geir, sowmes of money, and dettis pertening to vmquhile Grissale Meldrum, sumtyme spous to the richt honorable Johnne Meluill of Raithe, within the parochin of Kirkcaldie and shirefdome of Fyff, the tyme of hir deceis, quha deceissit in the moneth of October, the yeir of God i^{m} v^{c} fourscoir sevintene yeiris, faythfullie maid and gevin vp be the said Johnne Meluill of Raithe, hir spous, as father and lauchfull administratour to Margaret, Cristiane, and Catherene Meluillis, thair lauchfull bairnes, and executouris datiues surrogat to thair said wmquhile moder, in place of the procutour fischale, be decreit of the commissaris of Edinbrugh, as the samyne decreit of the dait at Edinbrugh, the xxiii day of December, the yeir of God i^{m} v^{c} fourscoir auchtene yeiris, at lenth proportis.

In the first, the said wmquhile Grissale Meldrum and hir said spous had the guidis, geir, sowmes of money, and dettis, of the awaill and pryces eftir following, pertening to thame the tyme of hir deceis foirsaid, wiz.: Item, vpone the half

landis of Rayth, fyftene oxin, by the airschip ox, pryce of the pece ourheid, tuentie merkis; summa, ii^c^ lib.: Item, mair thair, threscoir fyftene yowis, pryce of the pece ourheid, fourtie schillingis; summa, i^c^l lib: Item, mair vpone the said half landis of Rayth, sewin hors, by the airschip hors, pryce of the pece ourheid, tuentie pundis; summa, i^c^xl lib.: Item, mair thair, sex stirkis of ane yeir auldis, pryce of the pece ourheid, fourtie schillingis; summa, xii lib.: Item, in the barne and barneyaird of Raith, threttie twa bollis beir, pryce of the boll, with the fodder, aucht pundis; summa, ii^c^lvi lib.: Item, mair thair, auchtscoir bollis aittis, pryce of the boll, with the fodder, sex pundis; summa, ix^c^lx lib.: Item, mair in the said barne and barneyaird of Rayth, aucht bollis quheit, pryce of the boll, with the fodder, aucht pundis; summa, lxiiii lib.: Item, mair thair, fywe bollis peis and beanis, pryce of the boll, with the fodder, aucht pundis; summa, xl lib.: Item, vpoune the ground and landis of Turbane, tuentie fywe oxin, pryce of the pece ourheid, tuentie merkis; summa, thre hundreth xxxiii lib. vi s. viii d.: Item, mair thair, fywescoir yeild scheip, pryce of the pece ourheid, threttie thrie schillingis four penneis; summa, i^c^lxvi lib. xiii s. iiii d.: Item, mair vpone the saidis landis of Turbane, thriescoir gymmer and dynmonth, pryce of the pece ourheid threttie thrie schillingis four penneis; summa, i^c^ lib.: Item, in the barne and barneyaird of Turbane, threttie twa bollis beir, pryce of the boll, with the fodder, aucht pundis; summa, ii^c^lvi lib.: Item, mair thair, nynescoir twelff bollis aittis, pryce of the boll, with the fodder, sex pundis; summa, i^m^i^c^lxxvi lib.: Item, vpone the ground and landis of Pitscottie, nyne oxin, pryce of the pece ourheid, tuentie merkis; summa, i^c^xx lib.: Item, mair vpone the saidis landis, fourtie aucht yeild scheip, pryce of the pece ourheid, threttie thrie schillingis four penneis; summa, lxxx lib.: Item, vpone the ground and landis of Feslinche, tuentie fywe drawin oxin, pryce of the pece ourheid, tuentie merkis; summa, iii^c^xxxii lib. vi s. viii d.: Item, mair thair, nyne ky and ane bull, pryce of the pece ourheid, ten pundis; summa, i^c^ lib.: Item, mair vpone the saidis ground and landis of Feslinche threscoir yowis, pryce of the pece ourheid, fourtie schillingis; summa, i^c^xx lib.: Item, mair thair, tuenty yeild scheip, pryce of the pece ourheid, threttie thrie schillingis four penneis; summa, xxxiii lib. vi s. viii d.: Item, in the barne and barneyaird of Feslinche, threttie twa bollis beir, pryce of the boll, with the fodder, aucht pundis; summa, ii^c^lvi lib.: Item, mair thair, four bollis peis, pryce of the boll, with the fodder, aucht pundis; summa, xxxii lib.: Item, mair in the said barne and barneyaird of Feslinche, tuelff scoir saxtene bollis aittis, pryce of the boll, with the fodder, sex pundis; summa, i^m^v^c^xxxvi lib.: Item, in vtencilis and domicilis, with the abuilzeamentis of hir bodie by the airschip, estimat to the sowme of ane hundreth pundis money.

Summa of the inuentar, vi^m^v^c^lxiiii lib. xiii s. iiii d.

Followis the dettis awin to the deid. Item, thair was awin to the said wmquhile Grissale Meldrum and hir said spous be Patrik Mudie, tennent of the half landis of Rayth, for his fermes thairof in anno i^{m} v^{c} fourscoir sewintene yeiris, tuentie four bollis aitt meill, at sex pund the boll, saxtene bollis beir, at aucht pund the boll, and aucht bollis wheit, pryce of the boll, aucht pundis; summa, iii^{c}xxxvi lib.: Item, awin be Jhone Young, tennent in Schawis Mylne, threttie aucht bollis ait meill, pryce of the boll, sex pund; summa, ii^{c}xxviii lib.: Item, mair awin be the said Patrik Mudie, tennent, fywe bollis aittis, pryce of the boll, sex pundis; summa, xxx lib.: Item, be Petir Hendirsone, tennent in Pitscottie, for his fermes in anno foirsaid, fourtie four bollis ait meill, pryce of the boll, sex pundis; summa, ii^{c}lxvi lib.: Item, mair be him, threttie twa bollis beir, pryce of the boll, aucht pundis; summa ii^{c}lvi lib.: Item, awin be James Kay, Williame Robertsoun, Jhone Lathoir, and remanent tennentis of the Abdene of Kingorne, for thair fermes in anno foirsaid, sexscoir aucht bollis beir, pryce of the boll, aucht pundis; summa, ane thousand tuentie four pundis money.

Summa of the dettis awin to the deid, ii^{m}i^{c}xl lib.

Summa of the inuentar, with the dettis, viii^{m}vii^{c}iiii lib. xiii s. iiii d.

Followis the dettis awin be the deid. Item, thair was awin be the said wmquhile Grissale Meldrum and hir said spous to James Weymis of Logy, of borrowit money, the sowme of ane hundreth merkis money: Item, to William Sandelandis, laird of Sanctmonannes, for the tak of the teindis of Abdene, sevin hundreth threttie aucht pundis, xiii s. iiii d.: Item, to James Cunynghame in Rayth, be vertew of ane contract, vii^{c}lxxxxiii lib. vi s. viii d.: Item, to Mr. Dauid Barclay, my gudsone, be vertew of ane contract of mariage, the sowme of i^{m}iii^{c}xxxiii lib. vi s. viii d.: Item, awin to the airis and executouris of wmquhile Allane Cowttis, be vertew of ane obligatioun v^{c} lib.: Item, to Alexander Gaw of Maw, of byrun annuellis, i^{c}xx lib.: Item, to my Lady Sinclare, for byrun annuellis, lxxx lib.: Item, to my Lord Sinclare, and Williame Sinclare, his sone, of byrun annuellis, lvi lib.: Item, to Alesoun Irwing in Kingorne, conforme to ane obligatioun, i^{c}x lib.: Item, to Jhone Cunynghame, thair, of byrun annuellis, xx lib.: Item, to Jhone Rowane, thair, of byrun annuellis, xl merkis: Item, to Jhone Lochquhoir, of byrun annuellis xl merkis: Item, to Issobell Wardlaw, relict of wmquhile James Mudie, conforme to ane obligatioun, lxvi lib. xiii s. iiii d.: Item, to Nichole Wardlaw, of borrowit money, i^{c} merkis: Item, to Jhone Danzell, conforme to ane obligatioune, lxxx lib.: Item, to Robert Horsbrugh, in Byrehillis, conforme to ane obligatioun, iiii^{c} lib.: Item, to Thomas Nicholsoun, in Cowper, of byrun annuellis, tuenty bollis wittuale, half beir half meill, pryce of the boll ourheid, ten merkis; summa, ii^{c} merkis: Item, awin to Mr. Adam Michell, minister at Couper,

conforme to ane obligatioun, iᶜ lib.: Item, to Jhone Watsoun, scheiphird in Pitscottie, conforme to ane obligatioun, li lib., and ane boll beir, pryce viii lib.: Item, to Jonet Loudoun in Kirkcaldie, be vertew of ane obligatioun, iᶜlxvi lib. xiii s. iiii d.: Item, to Jonet Lundie, in Eleyth, conforme to ane obligatioun, iᶜlx lib.: Item, to Jhone Loudoun, burges of Kirkcaldie, be vertew of ane obligatioune, iᶜ lib.: Item, to Williame Lamb, thair, iᶜlxxx lib.: Item, to Mathow Andirsoun, thair, conforme to ane obligatioun, iᶜlxxiii lib. vi s. viii d.: Item, to Alexander Auchmowtie in Kirkcaldie, of byrun annuellis, xl merkis: Item, to Jonet Plant, thair, lxxxxiii lib. vi s. viii d.: Item, awin to Jhone Chisholme, of byrun annuellis, threscoir ane bollis wittuale, thairof fourtie bollis aitt meill and tuentie ane bollis beir, pryce of the boll ourheid, ten merkis; summa, iiiiᶜvi lib. xiii s. iiii d.: Item, awin to Dauid Huchesoun in Kirkcaldie, for ane yeiris annuell, tuentie sex bollis ait meill and saxtene bollis beir, pryce of the boll ourheid, ten merkis; summa, iiᶜlxxx lib.: Item, to Alexander Orrok, portioner of Owergrange, twelff bollis meill and nyne bollis beir, pryce of the boll ourheid, ten merkis; summa, iᶜxl lib.: Item, to Jhone Boiswale of Baglelie, of byrun annuellis, tuentie bollis wittuale, half beir, half meill, pryce of the boll ourheid, ten merkis: summa, iᶜxxxiii lib. vi s. viii d.: Item, awin to Alexander Wod of Lambielethame, of byrun annuellis, lx lib.: Item, to Cristiane Gib, wedow in Edinbrugh, for ane yeiris annuell, liii lib. vi s. viii d.: Item, to the laird of Pittadrow, of byrun annuellis xx lib.: Item, restan for the pryce of certane oxin to Jhone Mure in Drumcors, iiᶜ lib.: Item, to the laird of Torrie, for aucht bollis meill, lxxx lib.: Item, to the laird of Fordell, for aucht bollis meill lviii lib. xiii s. iiii d.: Item, to in Bruntyland, for sex bollis meill, lii lib.: Item, to in Sanctandrois, for ry, lxxii. lib.: Item, awin to the Quenis Maiestie, hir factouris and chalmerlanis, for the teindis of Rayth, Turbane, and Piteonmark, tuentie bollis beir, at aucht pund the boll, four bollis quheit, at aucht pund the boll, threscoir four bollis blak aittis, at fywe pund the boll, and fourtene bollis quhyt aittis, pryce of the boll, sex pundis; summa, vᶜlxxxxvi lib.: Item, mair to thame, of few maill, v lib.: Item, mair to hir Maiestie, and factouris for the few maill of Abdene, xi lib.: Item, to Maister George Gledstanes, for the teindis of the landis of Fedinche, auchtene bollis aittis, at sex pundis the boll, and thrie bollis beir, pryce of the boll, aucht pundis; summa, iᶜxxxii lib.: Item, to Mr. Thomas Buchannane, for the teindis of Pitscottie, fywe bollis beir, pryce of the boll, aucht pundis: summa, xl lib.: Item, mair to him of maill, xi lib. xiii s. iiii d.: Item, awin to Dauid Symesone in Dysart, of ferme annuell, ten bollis wittuale, half meill half beir, pryce of the boll ourheid, ten merkis: summa, lxvi lib. xiii s. iiii d.: Item, awin to James Cunynghame, of ferme annuell, twelff bollis meill, pryce of the boll, sex pundis: summa, threscoir

twelff pundis: Item, mair awin to the said Williame Lamb in Kirkcaldy, conforme to ane obligatioun, the sowme of four hundreth pundis: Item, mair awin to him for the annuelrent of fywe hundreth pundis tuentie ane bollis meill, pryce of the boll, aucht pundis; summa, ane hundreth threscoir aucht pundis.

Summa of the dettis awin be the deid, viii^{m}vii^{c}xxx lib. vi s. viii d.

And sua the dettis exceidis the guidis, xxv lib. xiii s. iiii d.

M^{R} P^{A} FORREST.

We, Maisteris Johnne Prestoun, Johnne Nicolsoun, Johnne Arthour, and Thomas Henrysoun, commissaris of Edinbrwgh, specialie constitut for confirmatioun of testamentis, vnderstanding that, efter dew summoning and lauchfull varning maid be forme of edict oppinlie, as effeiris, of the executouris and intromettouris with the guidis and geir of the said vmquhile Grissell Meldrum, and of vtheris haifand enteres, to compeir iudicialie befoir ws, at ane certane day bypast, to heir and sie executouris datiues decernit, to be gevin, admittit, and confermit be ws in and to the guidis and geir quhilkis iustlie pertenit to hir the tyme of hir deceis, or ellis to schaw ane caus quhy, etc.; and that nane compeirit we decernit the procuratour fischall of our said commissarie in executour datiue to hir: and thairefter, at the supplicatioun and desyre of the saidis Margaret, Cristiane, and Katherene Melwillis, we haue reponit and put thame in the said fischallis place, as ane act of surrogatioun maid thairvpoun beiris, conforme to the quhilk we, in our souerane lordis name and auctoritie makis, constitutis, ordanis, and confermis the saidis Margaret, Cristiane, and Katherene Melwillis in executouris datiues to the said vmquhile Grissell Meldrum, thair moder, with power to thame to intromet, vptak, follow, and persew as law will, the guidis and geir abonespecifeit, and to outred dettis to creditouris, and generalie all and sindrie thingis to do, exerce, and vse that to the office of executorie datiue is knawin to pertene: prouyding that the saidis executouris sall ansuer and rander compt vpoun thair intromissioun, quhen and quhair the samyn sal be requirit of thame, and that the saidis guidis salbe furthcumand to all parties haifand interes as law will; quhairvpoun Dauid Kyninmonth of that ilk is becum cautioun, as ane act beiris. In witnes quhairof to thir presentis subscryuit be Mr. Eduard Marschell, our clerk, the scill of office of the said commissarie is heirto affixit, at Edinbrugh, the xxvi day of December 1598. M^{R} EDUARD MARSCHELL.

112. Discharge by King James the Sixth to Sir Robert Melville of the duties of the lands of Murdochcairnie. 20th February 1605.

James R.

We, remembring the gude, trew, and thankfull service done to ws continualy sen oure infancie be oure trustie and weilbelouit counsallouris Sir Robert Meluill of Murdocairny, knyght, and Sir Robert Meluill of Burnteland, knyght, his sone, albeit as yit not dewlie recompansit, thairfoir to gif thame the better occasioun to continew in thair said faythfull service, we, of certane knaulege and proper motive, for ws and oure successouris haiff exonerit and frelie dischairgit, and be the tennour heirof exoneris and frelie dischairges the saidis Sir Robert, and Sir Robert, his sone, and Dame Jane Hammyltoun, Lady Ross, spous to the said Sir Robert, youngar, and the langest levar of thame thre during thair lyftymes, off all payment of thair fermis, caynes, customes, and dewteis contenit in thair infeftmentis of fewferme of thair landis of Murdocairny, with the pertinentis, quhilk is ane pairt of oure propirtie lyand within oure schirrefdome of Fyffe, and that of all yeiris, croppis and termes, alsweill bypast as of all yeiris, croppis and termes to cum, during thair lyftymes and langest levar of thame thre, as said is; dischairgeing oure comptrolleris, chalmerlanis, and factouris present, and that salhappin to be for the tyme, of all asking, craving, ressaving, chairgeing, trubling, or persewing of the saidis Sir Robert, and Sir Robert, his sone, or the said Dame Jane Hammyltoun, his spous, or ony of thame, during thair lyftymes, for the payment of thair saidis fermis, caynis, customes and dewteis of the foirsaidis landis or ony pairt thairof in ony tyme cuming, or poinding or intrometting with thair guidis or geir for the samyn, and of thair offices in that pairt for ever, and lykwyss commanding the lordis auditouris of oure chekker to defaiss and allow yeirlie the fermis, caynis, and customes of the foirsaidis landis to our saidis comptrolleris, chalmerlanis, and factouris, in the first end of thair comptis during the space foirsaid, quhairanent thir presentis sall be thair warrand anys schawin vpone compt, and registrat in the rollis as vse is. Subscryuit with oure hand at Wair, the tuentie day of Februer the yeir of God I^m sex hundreth and fyve yeiris.

Apud Edinburgh quinto Julii anno i^m vi^c quinto: Productum visum et admissum, et de mandato dominorum scaccarii registratum in libro Responsionum anni predicti 1605. Cl. Regri, etc.

113. Will of Dame Mary Leslie, spouse of Sir Robert Melville of Murdochcairnie. 28th March 1605.

The legacie and lattirwill of the richt honorabill Dame Marie Leslie, spous to my lord Sir Robert Meluill of Murdocarny, knycht, maid be herself, being seik in hir body and haill in mynd and memorie, at Monymaill, the tuentie aucht day of Merche, the yeir of God ane thowsand sex hundereth and fywe, befoir thir witnessis, Mr. Androw Bennat, minister at Monymaill, Dauid Young, servitour to the said Sir Robert, wrettar heiroff.

Imprimis, the said Dame Marie referis the vpgivin of the inventour to hir foirsaid husband, lykvayis referis to him the vpgivin of the debtis auchtand to his lordship and hir at the tyme of hir deceis.

Followis the debtis auchtand be her ladyship. Item, to Duncan M'Queine burges of Perth, tua hundereth pundis, quhairvpon the said Duncan hes ane obligatioun: Item, to Thomas Adnam in Lethem, tua hundereth merkis and tuentie fyve pundis money: Item, to Margrit Dog in Cowper, fouirscoir merkis: Item, to John Ballengall, according to his tikit, ane hundereth merk and viij lib.: Item, to Dauid Carmichaell in Lethem, twentie sax merkis xx d.: Item, to Helene Balkaskie, threttie sevin pundis vi s. viij d.: Item, to Thomas Oliphant of Hilcarny, threttie pundis: Item, to Margrat Alexander, fourtie pundis; mair, tuentie pundis: Item, to Johne Alexander, as his compt beiris, xvij lib. xvj s. x d.: Item, to Duncan Wallace, as his obligatioun beiris: Item, to Laurence Hendersoun, my servand, fyftie sax pundis: Item, to Jonnet Gvidlat in Dindie, as hir compt beiris.

Followis hir legacie. The quhilk day, befoir ye foirsaid witnes, the said Dame Marie Leslie constitut, maid, and nominat hir foirsaid husband hir only executour and intromettar with hir guidis and geir, and left hir haill pairt of quhatsumeuer guidis [and] geir may belang to hir be law to his lordship, with power to him to vse the same as his awin proppir guidis and geir in al tymes cuming except as followis: That is to say, leiffis to Jeane Leslie, hir brother dochter, hir haill gownes: Item, to Helene Oliphant in takin of hir gude service ane feddir bed, bowster, cowering, blank[et]is, scheittis, and rest of the furnitour belonging thairto, togidder vith the sowme of ane hundereth pundis. Item, to Dauid Young, hir seruitour, for his guid service, ane furnisit bed efter the foirsaid manner, togiddir with the sowme of ane hundereth pundis: Item, to Marie Bennat, dochter to Mr. Androw Bennat, minister, ane

furnissit bed, togidder vith ane hundereth pundis. In vitnes heirof, I, the said Dame Marie Leslie, subscryuit yir presentis as followis, day and place foirsaid, befoir the foirsaid vitnes. MARIE LESLIE.

Mr. Andro Bennet, vitnes.

Dauid Young as witnes.

114. TESTAMENT of JOHN MELVILLE of Raith. 19th March 1606.

THE testament testamentar and inuentar of the guidis, geir, sowmes of money and dettis pertening to wmquhile Jhonne Melwill, eldar, of Raith, within the parochine of and schirefdome of Coupar in Fyff, the tyme of his deceis, quha deceissit in the moneth of Marche, the yeir of God ane thousand sex hundreth fyve yeiris, faythfullie maid and gevin vp be him selff at the Raith, the saxtene day of Januar, the yeir of God foirsaid, befoir thir witnessis, Sir James Melwill of Halhill, Thomas Nicolsone of Newmylne, besyd Coupar, and Mr. Hary Meluill, in Kirkcaldie, with vtherris diuerss.

In the first, the said wmquhile Jhonne Meluill, eldar, of Raith, had the guidis, geir, soumes of money and dettis, of the availl and prices efter following, pertening to him the tyme of his deceis foirsaid, viz, Item, wpoune the ground and landis of Raith, fyftene yowis and nyne hoggis, price of the pece ourheid, threttie sex schillingis aucht penneis; summa, fourtie four pundis money: Item, tua wark hors, price of the pece ourheid, saxtene pundis; summa, threttie tua pundis: Item, ane kow and ane stirk, price of bayth, tuentie pundis: Item, in vtencilis and domicilis, with the abuilzementis of his boslie, by the airschipe, estimat to the soume of fyve hundreth merkis money.

Summa of the inuentar, iiii^{c}xxix lib. vi s. viii d.

Followis the dettis awin to the deid. Item, thair was awin to the said wmquhile Jhonne Meluill, eldar, of Raith, be Maister Thomas Meluill, his sone, for the fermes of the landis of Feslinche, four chalderis meill, price of the boll, thrie pund ten schillingis, and tua chalderis beir, price of the boll, thrie pund fyftene schillingis; summa, thrie hundreth fourtie four pund: Item, awin be Robert Eldar, Henry Meldrum, and Alexander Lamb, tennentis and occupyaris of the ground and landis of Raith, tuentie thrie bollis meill, price of the boll, thrie pundis saxtene schillingis aucht penneis; summa, four scoir aucht pund thrie schillingis four penneis.

Summa of the dettis awin to the deid, iiii^{c}xxxii lib. iii s. iiii d.

Summa of the inuentar, with the dettis, viii^{c}lxi lib. x s.

Followis the dettis awin be the deid. Item, thair was awin be the said vmquhile Jhonne Meluill, eldar, of Raith, to Maister Thomas Meluill, his sone, quhilk he payit, as cautioner for him, the soume of thrie hundreth merkis: Item, to Andro Yuill, merchand in Dysert, the soume of thre scoir four pund: Item, to James Weymis of Bogie, for ane half chalder beir, the soume of thriescoir four pund: Item, awin to Williame, commendatour of Toungland, the soume of fourtie pundis: Item, to Sir Andro Meluill of Wodend, his brother, the soume of threttie pundis: Item, to Mathew Lamb, the soume of tuentie merkis: Item, awin to Thomas Lillie, the soume of tuentie four merkis: Item, awin to Jhonne Pittillo, the soume of sevin pundis: Item, awin to Mr. Henry Meluill, the soume of aucht pundis: Item, awin to Robert Irwing, the soume of ane hundreth pund: Item, awin to Mr. Thomas Wardlaw, the soume of tuentie pundis: Item, to Mr. Henry Bauerage, the soume of tua hundreth merkis: Item, to Katherene Meluill in Dysert, the soume of tuentie pundis: Item, to Hary Meluill, seruittour to my sone, the soume of aucht pund: Item, to Mr. Williame Cranstoun, minister, for his teind in anno j^{m} sex hundreth thrie yeiris, thrie bollis beir, price of the boll thrie pund ten schillingis; summa, ten pund ten schillingis: Item, to Mr. Robert Yuill, wiccar of Sanctandrois, the soume of nyne pundis: Item, to Edwart Thomesone, resten of ane mair soume, the soume of twa hundreth merkis: Item, to Maister Jhonne Mitchelsone, minister, the soume of thrie hundreth merkis: Item, to Jhonne Meluill, in Monymaill, the soume of fyftene pundis: Item, to Henry Meluill, the soume of ane hundreth merkis: Item, to the said Maister Thomas Meluill, my sone, for furnessing maid be him to me, the soume of tua hundreth thrie scoir saxtene merkis: Item, to Mr. Henry Russell, in Sanctandrois, the soume of tuentie pundis: Item, to Jhonne Carstairis, merchand, the soume of threttie four pundis: Item, mair to him for hard fische, the soume of fyve pund tua schillingis: Item, to Jhonne Weymis of Craigtoun, the soume of ane hundreth pundis, and ane boll of meill, price thrie pund ten schillingis: Item, to William Lyllie, flescheour, the soume of fyftie tua pundis: Item, to Jhonne Barclay of Touch, eldar, the sowme of ane hundreth merkis: Item, to Dauid Ranie in Touche, the soume of threttie pund.

Summa of the dettis awin be the deid, j^{m}v^{cl}xxxxvij lib. 18s. 8d.

And sua the dettis exceidis the guidis, vij^{c}xxxvj lib. viii s. 8d.

Followis the deidis legacie and latterwill. At the Raith, the saxtene day of Januar, the yeir of God ane thousand sex hundreth fyve yeiris, the quhilk day Jhonne Melwill of Raith, maid his legacie and latterwill as efter followis, viz., In the first, the said Jhonne Melwill, eldar, of Raith, being waik and seik in bodie, bot of gude and perfyte memorie, gaif vp this abone writtin inuentar of his guidis,

geir, and dettis, and maid nominatioun thairof, as is abone specifeit: Also the said Jhonne Meluill of Raith nominatis and constitutis his tua sonnes, Maister Thomas and James Meluillis, his lauchfull executouris, intromettouris with his haill guidis and geir for satisfeing his creditouris of all the foirsaid dettis, and doing of all sik dewties as appertenis to the office of executrie; and, forder, the said Jhonne Meluill, being cairfull to prowyde for the weill of his thrie dochterris yet vnmareit, that they may be in gude cumpaney, to be brocht vp in the knawlege and feir of God and all honest vertewis, quha also may haif a cair to sie thame honestlie provydit quhensoevir it sall pleis God that anie meit occasioun to mariage sall offer, hes declairit his will heiranent, that is, he recommendis to his brother, Sir Robert Meluill, and to his wyff, his youngest dochter Katherene Meluill; to his brother, Sir James Meluill, his dochter Cristiane Meluill, and to the ladie his wyff; and to Sir Robert Meluill, his nephew, and the ladie Ros, his wyff, he recommendis his dochter Margarett Meluill, desyring thame to accept of thame as childrene, and to supplie his place in dischair[g]ing a fatherlie dewtie towardis thame, and sua hopeing, he levis to thame his blissing, recommending thame all to the Lord his protectioun, vnto quhais handis also he recommendis his sprite. This wes done, day, yeir, and place foirsaidis, beffoir thir witnessis, abone specifeit. Sic subscribitur JHONNE MELUILL of Rayth, eldar. James Meluill of Halhill, witnes; Thomas Nicolson, witnes; Marie [Mr. Harie] Meluill, witnes.

M^r^ PA. FORREST.

We, Maisteris Johnne Arthour, Thomas Henrysoun, Adame King, and James Bannatyne, commissaris of Edinburgh, specialie constitut for confirmatioun of testamentis, be the tennour heirof, ratifeis, appreuis, and confirmis this present testament or inuentar, in sa far as the samyn is deulie and lauchfullie maid, of the guidis and geir abonespecifeit allanerlie, and geuis and committis the intromissioun with the samyn to the said Mr. Thomas Melwill, onlie executour testamentar nominat be the said vmquhile Johnne Melwill of Raith, his fader, acceptand the said office vpoun him; in respect the said James Melwill, the vther executour abone nominat, has renuncit the said office re integra; reseruand compt to be maid be the said Mr. Thomas thairof, as accordis of the law, quha being suorne, hes maid fayth treulie to exerce the said office, and hes fundin the said James Melwill cautioun that the gudis and geir abonewrittin saibe furthcumand to all parteis haifand enteres as law will, as ane act maid thairvpoun beiris. In witnes quhairof, to thir presentis subscrynit be George Abernathie, our procuratour fiscall, in absence of our clerk, the seill of office of the said commissarie is affixit at Edinburgh the xix day of Marche 1606. G. ABERNETHY.

115. LICENCE to JOHN MELVILLE of Raith to stay at home from the army at Islay. 14th September 1608.

THE lordis of secrete counsaill gevis and grantis libertie and licence to Johnne Melwill of Raith to remane and abyd at hame fra his Maiesteis oist and armye appointit to haif convenit and mett at Yla vpoun the xxiiij day of Julii last, thair to haif attendit the directionis of his Maiesteis lieutennent during the haill tyme of that service, conforme to the proclamationis direct thairanent, without pane, cryme, skaith, or dangeir to be incurrit be him thairthrou in his persone, landis, goodis or geir, nochtwithstanding quhatsomevir actis, statutis, or proclamationis maid in the contrair; quhairanent, and all panes thairin contenit, the saidis lordis dispenssis be thir presentis. Gevin vnder the signet att Edinburgh the fourtene day of September, and of oure regnn the sext and fourty tua yeiris, 1608.

Compositio tuelff pundis. J. SECRETUS.
J. ARNOTE.

Indorsed " Registrat, J. Prymrois."

116. PATENT by KING JAMES THE SIXTH to SIR ROBERT MELVILLE of Murdochcairnie, of the title of LORD MELVILLE of Monymail. 1st April 1616.

JACOBUS, Dei gratia Rex Magne Britannie, Francie, et Hybernie, Fideique Defensor, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem: Sciatis nos, in considerationem et memoriam magnorum et multorum, grauissimorum et honorabilium officiorum atque munerum quibus dominus Robertus Meluill de Murdocairny, miles, ab ineunte etate sua oneratus est, cum regnantibus illustrissimis progenitoribus nostris digne memorie, tum etiam a nobis ipsis in variis legationibus ad exteros principes, vt in rebus nostris domesticis, in administratione reddituum nostrorum et mulctarum, et in omnibus aliis nostris maximi ponderis negotiis; et quanta cum dignitate eadem semper gesserit et administrauerit in honorem et contentationem nostram, et ad non vulgarem satisfactionem bonorum omnium subditorum nostrorum; in memoriam etiam reuocantes quam expediat bonis omnibus principibus et gubernatoribus omnes huiusmodi subditos et seruos dignitatibus et honoribus ornare, qui virtute sua et rebus preclare gestis promeriti sunt, signa et notas valoris sui posteris suis impressa relinquere in omnem memoriam, dedisse et concessisse, prout tenore presentium dare, concedere et disponere memorato domino Roberto Meluill de

Murdocairny, militi, pro omnibus diebus vite sue, et, post eius decessum, primogenito suo domino Roberto Melvill de Bruntiland, militi, et heredibus masculis legitime procreatis seu procreandis de alterutrius ipsorum corpore, stilum, titulum, honorem et dignitatem domini et baronis in parliamento nostro regni nostri Scotie; et vt in posterum perpetua appellatione gaudeant dominorum Meluill de Monimeale: ratione cuius fruantur omnibus honoribus, preeminentiis, pruilegiis, immvnitatibus, aut aliis prerogativis quibus alius quivis dominus parliamenti nostri Scotie gaudet, fruitur, aut possidet: Quoquidem stilo, titulo, honore et dignitate domini Meluill et Monimeale nos investiuimus, prout tenore presentium investimus dictum dominum Robertum Meluill suosque predictos, vt ita appellentur, honorentur et agnoscantur vt domini Meluill per omne tempus futurum, in omnibus parliamentis nostris, conventionibus, conciliis, aliisque locis aut actionibus quibuscunque priuatis seu publicis: In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus, apud palatium nostrum de Quhythall, primo die mensis Aprilis, anno Domini millesimo sexcentesimo decimo sexto, regnorumque nostrorum annis quadragesimo nono et decimo quarto.

[Great Seal appended, partly broken away.]

117. Discharge by Jean Melville to John Melville of Raith, her brother, for 3000 merks. 2d May 1618.

Be it kend to all men be thir presentis, me, Jeane Meluill, dochter lawfull to Johne Meluill, elder of Reth, that forsamekle as be contract and appointment maid, endit, and perfyttit betuixt the said Johne Meluill, elder, my father, and Margaret Scot, my mother, and Johne Meluill, younger of Reth, on the ane and vther pairtis, be vertew of the quhilk contract the said Johne Meluill, younger, my brother, is bund and oblishit to pay vnto me, the said Jeane Meluill, my airis and assignayes, all and hall the sowme of thrie thowsand merkis money of this realme, and that at the feast and terme off Witsonday, in the yier of God j^m sax hundreth and sewintene yiers, thane following, and now bygene, as the said contract off the dett at Rethe, the aucht of Merche, the yier off God i^m sax hundreth and saxtene, att mair lenth beares, off the quhilk sowme off thrie thowsand merkis money foirsaid I grant the resett, and thairfoir dischairges the said Johne Meluill, younger of Reth, of the said principall sowme of thrie thowsand merkis and expenssis contenit in the said contract, for now and ewer, be thir presentis subscryuit with my hand at Reth, the second day of Maii, the yier of God j^m sex hundreth and auchtene yieris, befoir thir witnes, Harie Meluill, and Thomas Scott,

with vtheris divers, and Mr. Harie Meluill of Smiddie landis, and Mr. Thomas and James Meluillis.

JEANE MELUILL.
Mr. Thomas Meluill, witnes.
J. Meluill, witnes.
Thomas Scot, witnes.

118. DISCHARGE by BATHIA and MARGARET MELVILLE to JOHN MELVILLE of Raith, their brother, for their portions. 19th May [1620].

BE it kend till all men be thir present letteres, ws, Bathia and Margaret Meluillis, lawfull dochteris to wmquhill Johne Meluill of Raithe, forsameikill as ther wes ane contract and appoyntment past and perfyttit betuix our said wmquhill father, on the ane pairt, and John Meluill, now of Raithe, our eldest lawfull brother, on the wther pairt, be vertew of the quhilk contract, and for the caussis thairin continit, the said John Meluill, now of Raithe, wes speciallie bund and oblest to haiff contentit and payit to ws the particular sowmes of monei following, at the termes wnderwrittin, to witt, to me, the said Bathia Meluill, the sowme of ane thowsand pundis monei of this realme, at the terme of Witsonday, i^m vj^c and nyntene yeiris; and to me, the said Margaret, the sowme of ane thowsand merkis, at the terme of Witsonday, i^m vj^c and tuentie yeiris, as the said contract of the daite at Raithe the aucht day of Marche, the yeir of God i^m vj^c and sextein yeiris, in the selff at lenthe bearis: And becaus the said Johne Meluill, now of Raithe, hes presentlie at the making heirof contentit, payit, and reallie delyverit to me, the said Bathia, the foirsaid sowme of ane thowsand pundis; and to me, the said Margaret Meluill, the foirsaid sowme of ane thowsand markis, and quhairof we and ilk ane of ws, for our awin pairtis, hald ws weill content, payit, and satisfeit, and thairfoir for ws, and ilk ane of ws, our airis, executouris and assigneis, exoneris, quytclames, and simpliciter dischairges the said John Meluill of Raithe, his airis and successoris, of the samyn sowmes, and of the haill byrun annuelrentis and profeitis thairof, that we may aske or creave of him sen the daite foirsaid of the said contract, and of the liquidat penalties thairin continit, for now and ever; obleissing ws and our foirsaidis to warrand this our dischairge to be guid and sufficient in the selffe to the said John Meluill of Raithe, and to renew the samyn to him swa oft as neid beis, but fraud or gyill, consenting, for the mair securitie, thir presentis be registrat in the buikis of counsell and sessione, thairin to remane ad futuram rei memoriam, and to that effect constitutis our procuratouris, conjunctlie and severallie, promittentes de rato be thir presentis (writtin be James Boisuill, nottar

publict), subscryvit with our handis as followis, at Kirkcaldie, the nyntene day of Maij, befoir thir witness, Mr. Thomas Meluill, our lawfull brother germane, Harie Meluill in Raithe, Robert Frenche, clerke of Kirkcaldie, and the said James Boisuill.

MARGARET MELVILL, with my hand att the pen, led be the notaris wnderwrittin att my command.

BATHIA MELUILL.
M. Thomas Melvill, witnes.
M. Harie Melvill, witnes.
Harie Meluill, witneis.

Ita est Robertus Frenche, notarius, de mandato dicte Margarete scribere nescientis, assero.

Ita est Jacobus Boisuill, co-notarius in premissis requisitus de mandato predicto, assero.

119. TESTAMENT of ROBERT, LORD MELVILLE. 5th December 1621.

THE Testament of the ryght honorabill Robert, Lord Melwill, maid and gewin vp be himself, being weak in body and whole in spirit, vpon the fyift day of December the yeare of God i^m vj^c and tuentie ane yeiris, befoir thir witnessis, Mr. Robert Murrey, provest off Methven; Robert Hammiltoun, sone of Robert Hammiltoun of Milnburne; Dauid Oliphant, servitour to my Lord Bruntiland; Mr. James Galbreath, servitour to Robert Symmer, Schauis, at Mountmeill for the present.

Item, the fermes and sowmes of money efter following. Item, in Cunnochyee, tuentie nyne bollis aittes, aucht bollis white: Item, in Eister Fairnie, tuelff bollis white, twenty four bollis beir, and fyftie tua bollis aittes: Item, in Balgarvie, tua chalder aittes, sex bollis beir, and sex bollis white: Item, in Kilmarone, nyne bollis tua pectis victuall, thairof tua bollis quhyit, tua bollis ij pekis beir, and fyve bollis aittes: Be the laird of Wester Fairnie, for his teyndis, fourtie four pundis money: Be the ladie Parbroathe, sewintene pundis sex schillinges aucht penneis for the teyndis of Lendifferen: The silver dewtie of Wver Renkellour, threitein pundis sex schillingis aucht penneis: The silver dewtie of Carsloggie and Hiltoun, fourtein pundis: The silver dewtie of Lenthrogell, the sextein pairt land of Lethem and Kilmarone and Lendifferen, auchtand be the laird of Cullerny, threttie pundis money: Item, tua yeiris penchioun, videlicet, ane thousand pundes: Item, in Murdocairnie, aucht chalder aittes, tuentee tua bollis white: Item, of beir, four chalder: Item, be Johne Ballingall and Laurence Hendersoun, threttie ane boll beir: Item, sex chalder ten bollis of the teyndis of Coupper of the qualiteis of their tak.

Followis his lordschipis just debt according to his memorie. Item, to his servandis, Andro Broun, thrie schoir pundis; James White, fourtie pundis; Thomas Young, fourtie pundis; Gairrat Bisbie, threttie pundis; to Peitter Kircaldie, tuentie fyve pundis; Johne Peatt, tua hundreth merkis, and tuentie pundes; William Imbrie, tuentie pundis; Johne Menteathe, tuentie merkis; Robert Dow, tuentie pundis; Johne Black, aucht pundis; Bess Arthour, tuentie pundis; Margaret Duirrie, tuelff pundis; Jonet Wantoun, aucht pundis: Item, auchtand to Thomas Oliphant off Hillcairnie, tua hundreth merkis, by and attoure fyve hundreth merkis, for the payment wheroff he hes assinget certane bollis of foirnamet wictuall, as the assignatioun beiris: Item, to Dauid Young, ane hundreth pundis, whilk vmquhile Dame Marie Leslie, his wyfe, left to him at hir deceas: Item, to Marie Bennet, ane hundreth pundis left to hir be the said vmquhile Dame Marie Leslie at hir deceas: Item, for Johne Balfouris buird thrie schoir pundis: Item, to Katherein Boiswell, daughter to vmquhile George Boiswell, thrie hundreth merkis: Item, to Johne Hallow in Coupper, ane hundreth and tuentie fyve pundis: Item, to David Vilsoun in Dundie, ane hundreth fyftie sex pundis sextein schillinges aucht penneis: Item, to Robert Hammiltoune in Dundie, the soume of ane hundreth and fyiftie pundis money of this realme: Item, to Robert Piteirsoun, balyee and burges of Cupper, according to his compt, the sovme of tua hundreth fourtie thrie pundis: Item, to Mr. Dauid Barclay, minister, ane hundreth merkis; to Johne Cairstaires in St. Androes, ane hundreth merkis; to vmquhill Andro Downies bairnes, tua hundreth merkis; to Thomas Gourleyis daughter in Kingorne, some anwellis, besyid the principall sovme: Item, to Mr. Andro Bennet, his penchioun, tuentie sex pundis, and his stipend, tua hundreth and fyftie merkis, to be payit be his lordschip of that thrie hundreth merkis he is addebtit to his lordschip: Item, to Robert Donaldsoun, flescheour, ellewin schoir and thrie pundis, accoirding to his compt; to Dauid Maurice, ten pundis aucht schillinges; to Johne Carsvell, tua bollis aittes, ane firlet meill: Item, to Johne Crichtone, accoirding to my lordis ticket, nynetene pundis money; to Johne Landis, merchand burges of Edinburgh; to Jonet Johnstoun, widow, fourtie pundis; to Euphame Robertsouns bairnes, accoirding to hir legacie, ane hundreth merkis; to the laird of Cairnes, ane hundreth merkis; to the poore within the parochin of Mountmeill, tua hundreth merkis: Item, his lordschip ratifeis and approves the contract of dispositioun maid be Johne Bonnar of Lumquhat, as donatour to his lordschips escheat, with his lordschips consent, of all richt or enter[es] we haue or hes hade of the haill plenishing, guidis, and geir, outsight and insight, of Mountmeill and Pitcairleis, disponit to Johne, maister of Madertie, and also the haill fermes and teyndis contenit in the said contract of dispositioun foirsaid,

to the said Johne, maister of Madertie, cum nocht wnder his lordschipis debt nor leggacie: Item, to Katherin Melwill, his lordschipis brother daughter, ane thousand merkis: Item, to Cristian Melwill, hir sister, fyve hundreth merkis; to Margaret Melwill, their sister, fyve hundreth merkis, accoirding to their seuerall bandis thairwpone: Item, it is his lordschipis will, and ordaines that Dauid Young, his servand, have his penchioun wherin he is provyded payd to him this present yeire and sa furth yeirlie in tyme cuming.

Followis his lordschipis leggacie and latter will maid be himselff as followis: Item, he nominates and constitutes his loving cusing, Mr. Thomas Melwill, his onlie executour and intrometter, and ordanes him to pay his foirsaides debtis and leggaceis following to the particular persounes to whome his lordschip leaves the same, and that be the speciall adwyise of his loving sone, Robert, maister of Melwill: Item, he leaves to his servand, Garrat Bisbie, tua hundreth merkis; to Laurence Hendersoun, ane hundreth merkis by and attoure the sovme wherof he hes his lordschipis obligatioun; to Helein Oliphantis sone in St. Johnestoun, ane hundreth merkis: Item, to Johne Balfour, ane hundreth merkis: Item, to vmquhile Andro Duirrie, his eldest sone, tua hundreth merkis. MELVILL.

R. Hamiltoun, witnes. Mr. Robert Moray, witnes.
Mr. James Galbreath, witnes. Dauid Oliphant, witnes.

120. CHARTER by KING CHARLES THE FIRST, under the Great Seal, confirming a charter by JOHN MELVILLE, elder, of Raith, to his eldest son, JOHN MELVILLE, of the barony of Raith. 3d February 1626.

CAROLUS, Dei gratia Magne Britannie, Francie et Hibernie rex, fideique defensor, omnibus probis hominibus totius terre sue clericis et laicis, salutem: Sciatis nos cum avisamento nostri fidelis et familiaris consanguinei et consiliarii Joannis, comitis de Mar, domini Erskine et Garesche etc. magni nostri thesaurarii, computorum rotulatoris et collectoris regni nostri Scotie, ac domini Archibaldi Naper de Merchingstoun, militis, deputati in dictis officiis, ac reliquorum dominorum nostrorum commissionariorum regni nostri Scotie, ratificasse, approbasse et hac presenti carta nostra confirmasse, tenoreque eiusdem ratificare, approbare ac pro nobis et successoribus nostris pro perpetuo confirmare, cartam et dispositionem in eadem contentam cum precepto sasine inibi inserto de data apud maneriei locum de Raith decimo octauo die mensis Aprilis anno Domini millesimo sexcentesimo decimo sexto, factam, datam et concessam per quondam Joannem Melvill, seniorem de Raith, hereditarium proprietarium terrarum, molendini et aliarum subscriptarum, et Margarete Scott, eius sponse, vnanimi consensu et assensu,

predilecto nostro Joanni Melvill juniori, eorum filio natu maximo et heredi apparenti, suisque heredibus masculis de corpore suo legittime procreandis, quibus deficientibus, legittimis et propinquioribus heredibus masculis dicti Joannis Melvill junioris et assignatis quibuscunque, hereditarie et irredimabiliter, absque vlla reuersione, redemptione seu regressu, de totis et integris terris ac aliis particulariter subscriptis viz. terris de Raith, cum castro, turre, fortalicio, manerie loco, hortis, pomeriis, partibus, pendiculis et omnibus earundem pertinenciis, viz. terris de Turbane et Pitconmark cum molendino nuncupato Schawismylne, terris molendinariis, multuris, sequelis et earundem pertinenciis, jacentibus infra regalitatem de Dumfermeling et vicecomitatum nostrum de Fyiff; reseruatis tamen dictis Joanni Melvill, seniori de Raith, et Margarete Scott, eius sponse, eorumque alteri diutius viventi, eorum vitali redditu australis dimidietatis, vulgo lie south half terrarum dominicalium de Raith, pro omnibus eorum vite diebus: Tenendis de charissima nostra matre digne memorie, Anna, quondam Scotie regina, domina integri dominii et regalitatis de Dumfermling, suisque heredibus et successoribus, superioribus earundem, in feodo et hereditate, prout in dicta carta desuper confecta latius continetur, in omnibus et singulis punctis, capitibus, articulis, clausulis, conditionibus et circumstantiis quibuscunque in eadem specificatis et contentis: Ac volumus et concedimus, ac pro nobis et successoribus nostris decernimus et ordinamus, quod huius generalitatis tanti erit effectualitatis, validitatis et sufficientie, in omnibus respectibus prefato Joanni Melviil de Raith suisque predictis ac si predicta carta et [cum] precepto sasine inibi inserto ad longum de verbo in verbum hic inser[er]entur, super quo nos, pro nobis et successoribus nostris, dispensavimus ac per presentis carte nostre tenorem dispensamus pro nunc et imperpetuum: Necnon volumus et concedimus, ac pro nobis et successoribus nostris, pro perpetuo decernimus et ordinamus quod hec presens nostra confirmatio tanti erit valoris, roboris, efficacie et effectus, prefato Joanni Melvill, nunc de Raith, suisque heredibus masculis et assignatis predictis, ac si eadem ipsis ante sasine per ipsum de predictis terris, molendino ac aliis prescriptis, cum pertinenciis, sumptionem data et concessa extitisset, non obstante sasina per ipsum de eisdem alias sumpta, super quo et omnibus defectibus que inde sequi poterit, ac cum omnibus aliis defectubus seu imperfectionibus, si que sint, que contra validitatem predicte carte aut huius presentis nostre confirmationis eiusdem opponi seu allegari poterint, nos pro nobis et successoribus nostris dispensavimus ac per presentis carte nostre tenorem dispensamus pro nunc et imperpetuum; saluis et reseruatis nobis et successoribus nostris iuribus et servitiis de predictis terris, molendino ac aliis prescriptis cum pertinenciis, nobis et predicessoribus nostris ante hanc presentem nostram confirmationem debitis et consuetis:

Preterea nos pro bono fideli et gratuito servitio nobis per prefatum Joannem Melvill de Raith prestito et impenso, ac pro diuersis aliis magnis respectibus et bonis considerationibus nos moventibus, cum avisamento predicto, De novo dedimus, concessimus, disposuimus et hac presenti carta nostra confirmavimus, tenoreque eiusdem de novo damus, concedimus, disponimus ac pro nobis et successoribus nostris pro perpetuo confirmamus, prefato Joanni Melvill, nunc de Raith, suisque heredibus masculis et assignatis respectiue et successiue predictis hereditarie, totas et integras predictas terras ac alias particulariter prescriptas cum pertinenciis viz. predictas terras de Raith . . . predictas terras de Turbane et Pitconmark, cum dicto molendino lie Schawismylne nuncupato, terris molendinariis . . . reservato tamen vitali reddítu dicte australis dimidietatis terrarum dominicalium, vulgo lie Maynis de Raith, dicte Margarete Scott, sponse dicti Joannis Melvill, senioris de Raith, pro omnibus sue vite diebus, vnacum omnibus iure, titulo, interesse, iurisclameo, tam petitorio quam possessorio, que seu quas nos nostri predicessores aut successores in et ad easdem seu ad aliquam partem earundem vel ad census, firmas, proficua aut diuorias earundem de quibuscunque annis seu terminis preteritis habuimus, habemus seu quovismodo habere vel clamare poterimus aut poterint, ratione warde, relevii, nonintroitus, eschaete, forisfacture, recognitionis, purprusionis, disclamationis, bastardie, reductionis, alienationis totius aut maioris partis, aut ob quamcunque aliam causam, actionem seu occasionem preteritam diem date presentis carte precedentem; renunciando et exonerando eisdem, cum omnibus actione et instantia earundem pro nobis et successoribus nostris prefato Joanni Melvill, nunc de Raith, suisque heredibus masculis et assignatis predictis pro nunc et imperpetuum, cum pacto de non petendo, ac cum suplimento omnium defectuum tam [non] nominatorum quam nominatorum quos tanquam pro expressis in hac presenti carta nostra haberi volumus: Et similiter nos cum avisamento predicto ereximus, creavimus, vniuimus, annexavimus et incorporavimus, tenoreque presentis carte nostre pro nobis et successoribus nostris erigimus, creamus, vnimus, annexamus et incorporamus, omnes et singulas predictas terras ac alias prescriptas viz. predictas terras de Raith . . . predictas terras de Turbane et Pitconmark, cum dicto molendino lie Schawismylne nuncupato. . . et omnibus earundem pertinenciis, in vnam integram et liberam baroniam prefato Joanni Melvill de Raith suisque heredibus masculis et assignatis predictis, BARONIAM DE RAITH omni tempore affuturo nuncupandam, ordinantes manerie locum, turrim et fortalicium de Raith principale messuagium dicte baronie fore: Ac volumus et concedimus ac pro nobis et successoribus nostris pro perpetuo decernimus et ordinamus quod vnica sasina, nunc per prefatum Joannem Melvill de Raith, et omni tempore affuturo per suos heredes masculos et assignatos

respectiue et successiue predictos, apud dictam maneriem, turrim et fortalicium de Raith capienda, stabit et ipsis erit sufficiens sasina pro totis et integris predictis terris et baronia de Raith, . . . cum pertinenciis, non obstante quod non jacent insimull et contigue sed in diuersis partibus, super quo nos pro nobis et successoribus nostris dispensavimus ac per presentis carte nostre tenorem dispensamus pro nunc et imperpetuum: Tenendas et habendas totas et integras predictas terras et baroniam de Raith, comprehendentem in se terras, molendinum ac alias supraspecificatas . . . omnes nunc in vnam integram et liberam baroniam erectas et vnitas, vt premissum est, reservato tamen dicte Margarete Scott . . . vt premittitur, prefato Joanni Melvill de Raith suisque heredibus masculis et assignatis respectiue et successiue predictis, de nobis et successoribus nostris in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, . . . sine vlla reuocatione, contradictione, impedimento aut obstaculo quocunque: Reddendo inde annuatim dictus Joannes Melvill de Raith suique heredes masculi et assignati predicti nobis et successoribus nostris nostrorumque computorum rotulatoribus, camerariis et factoribus presentibus et qui pro tempore fuerint, summam quinque librarum vsualis monete regni nostri Scotie annualis redditus ad duos anni terminos, festa viz. penthecostes et sancti Martini in hieme, per equales portiones, cum warda et relevio, et faciendo inde forinsecum servitium cum tribus sectis curie ad nostras tres curias capitales apud Dumfermling annuatim tenendas, cum aliis servitiis inde debitis et consuetis; necnon observando et perimplendo omnes alias conditiones, clausulas et restrictiones, in prioribus infeofamentis prefati Joannis Melvill de Raith et suis predicessoribus, hereditariis feudifirmariis prefatarum terrarum et aliorum prescriptorum, de eisdem factis et concessis, specificatas, secundum formam et tenorem eorundem in omnibus punctis: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; Testibus, predilectis nostris consanguineis et consiliariis, Jacobo, Marchione de Hamiltoun, comite Arranie et Cantabrigie, domino Aven, et Innerdaill, etc. Willielmo, Mariscalli comite, domino Keith, etc. regni nostri mariscallo, predilecto nostro consiliario, domino Georgio Hay de Kinfawnis, milite, nostro cancellario, predilecto nostro consanguineo et consiliario, Thoma, comite de Melros, domino Bynning et Byris, etc. nostro secretario; dilectis nostris familiaribus consiliariis, dominis Ricardo Cokburne de Clerkingtoun, nostri secreti sigilli custode, Joanne Hamiltoun de Magdaleins, nostrorum rotulorum registri et consilii clerico, Georgio Elphingstoun de Blythiswode, nostre iusticiarie clerico, et Joanne Scott de Scottistarvett, nostre cancellarie directore, militibus; Apud Edinburgum, tertio die mensis Februarii, anno Domini millesimo sexcentesimo vigesimo sexto, regnique nostri anno primo.

121. TESTAMENT of JOHN MELVILLE of Raith. 20th April 1627.

THE testament dative and inventarie of the guidis, geir, and dettis of vmquhill Johnne Meluill of Raith, within the parochin of Kirkaldie, and schireff-dome of Fyffe, the tyme of his deceis, quha deceissit intestat in the moneth of Januar, the yeir of God i^m^ sex hundreth tuentie sex yeiris, faithfullie maid and gevin vp be Margaret Scott, his relict, as haveing best knawledge of the guidis and geir, and be Dauid, Mr. Thomas, Bathia, Margaret, and Effie Meluillis, thair lawfull barnes and executoris datives decernit to thair said vmquhill father be decreit of the commissar of Sanct Androis, the tuentie tua day of Marche, the yeir of God j^m^ sex hundreth tuentie sewin yeiris.

In the first, the said defunct, the tyme of his deceis foirsaid, had the guidis and geir following, of the prices and wallouris efter specifeit, to wit, thrie scoir ten bollis aittis, price of the boll, iij lib.; summa, j^c^xx lib.: Item, mair, tuentie four bollis beir, price of the boll, v lib.; summa j^c^xx lib.: Item, fourtie bollis peis, price of the boll, iiij lib.; summa, j^c^lx lib.: Item, fourtein oxin, price of the peice over head, xviij lib.; summa, ij^c^lij lib.: Item, thrie ky, price of the peice overhead, xiij lib. vjs. viij d.; summa, xl lib.: Item, four young stirkis, price of the peice, iiij lib.; summa, xvj lib.: Item, tua wark hors, price of the peice, xx lib.; summa, xl lib.: Item, sexten yowis, price of the peice, xl s.; summa, xxxij lib.: Item, tuentie four yeld scheip, price of the peice, xxxiij s. iiij d.; summa, xl lib.: Item, in vttinceillis and domiceillis, by the airship, estimat to xxxiij lib. vi s. viij d.

Summa of the inventarie, viij^c^liij lib. vj s. viij d.

Na dettis awand to the dead.

Ordinar dettis awand be the dead. In the first, to Johnne Lockard, servandman, of fie the said yeir, xj lib.: Item, to Lawrence Baxter, servandman, of fie the said yeir, xxi lib.: Item, to James Lindesay, his servand, of fie the said yeir, xxj lib.: Item, to Johnne Sigmour, his servand, of fie the said yeir, xxvi lib. xiij s. iiij d.: Item, to Catharin Lindesay, servand, of fie the said yeiris, x lib.: Item, to Jonet Chalmer, servand, of fie the said yeir, xij lib.: Item, to Jonet Lindesay, servand, of fie the said yeir, xij lib.: Item, to Effie Wardlaw, servand, of fie the said yeir, x lib.: Item, to the chalmerland of Dunfermling, of teynd dewtie the said yeir, xl lib.

Summa of the saidis dettis, j^c^lxiij lib. xiij s. iiij d.

Summa of the frie gier, the dettis deduceit, vj^c^lxxxix lib. xiij s. iiij d.

To be devydit in thrie pairtis—ilk pairt is, ij^c^xxix lib. xvij s. x d.

A. LYNDESAY, fiscall.

Mr. James Wemys, commissar of St. Androis, deput to the confirmation of testamentis within the boundis of my jurisdiction, be the presentis ratefeis, apprevis, and confirmis this present inventare and testament abone vrittin, togidder with the executouris tharin abone constitut, in sua far as the samen is justle and treule maid and givin vpe, and na vtherwayes, lykas the saidis executouris maid faith the said inventare is justle and treule maid and givin vpe, nathing omitit furth thairof, nor set within the just awaill tharin contenit, and Mr. Harie Melvill, burges of Kirkcaldie, is becume caution that the haill guidis and geir thairin contenit salbe saiff and furthcwmand to all partes haveand interest thairto as law will; and tharfor I be the presentis comitis full power to the saidis executouris to intromet with the haill guidis and geir abone wreattin, to call and persew tharfor give neid beis, and to outred creditouris tharwith; reserueand alwayes just compt and reckning to be maid and givin be them tharof quhen and quhair they salbe requyrit tharto. In witnes herof to the presentis subscryuit be Johnne Arnott, my clerke of court, my saill of office is affixt at St. Androis, the tuentie day of Apryll, the yeir of God j^{m} vj^{c} tuente sevin yeris. JOHNNE ARNOTT.

122. COMMISSION by the CONVENTION of ESTATES to SIR ALEXANDER LESLIE, to be General of their Forces. 9th May 1639.

AT the Conventioun, haldin at Edinburgh the nynt day of May i^{m} vj^{c} threttie nyne yeires, the noblemen, lords of parliament, comissioners of schyres, and comissioners of burrowes for the parliament within this kingdome, being conveined in frie and competent number, and taking to consideratioun the estait of this kirk and kingdome as it now standeth in, threatned with warris and hostile invasioun from England, both by sea and land, by the pernicious suggestiones and devilish calumnies of the enemies to kirk, king, and countrey, the laite pretentit prelatis of this countrey, assisted by some of the Scotis nobillitie and gentrie, who hes not onely poysoned the eares of our dread soveraine with forged lyes, to mak him apprehend that his loyall subjects just and necessary defence and mainteinance of thair religioun and libbertie is the denying of his royall powar, and the casting offe the yock of thair dew obedience, but hes also so fare prevailled with his Majestie, that his gracious eares are, and hes beine, stopped from heireing any of the supplicationes, informationes, petitiones, or letters sent by his said loyall subjects, for cleiring of the iustnes and lawfulnes of thair proceidingis, supplicating ever to be reulled and governed by the lawes of this kingdome, ecclesiasticall and civill, and being forced to put themselffes in readines for a lawfull defence of thair religioun, lyfes, and landis, and finding it the first and chiefest pairt of thair

caire to mak choyce of a generall of thair forces, to direct and governe them in all militarie affaires and the dependances thereof, such ane on as vpoun whose wisdome, experience and integrity, they might rely; thairfore, they all in on voyce nominat, elect, and choyse Generall Sir Alexander Lesly, to be generall off all the Scotis forces, armies, troupes, regiments, and companyes, alsweill foote as hors, and alsweill natives as forrainers, who sall serue or assist vs, with powar to him as generall foirsaid, to mak and appoynt all and whatsoever officers necessarie vnder him, alsweill officers of warre as secretaryes, clerkes, scrivenors, and others necessarie for his service, whose fies and allowances sall be payed be the generall commissers out of the comoun purs of the whole kingdome; with powar lykwys to him to tak vp a list of all the number of men and armes within every shirefdome or burgh within the kingdome, the names of thair colonelles, leiutenants, majors, captaines, and other officers, over whom and everie on of them he sall have full powar and command, of what qualitie, degrie, or estait so ever they be, in all militarie affaires; and in speciall with powar to him to give ordour and directioun at all occasiones necessar to conveine the officers in everie schyre or burgh, with the men in armes thairin, in haill or in pairt, at such tymes and places as he sall appoynt, put them in companyes, regiments, brigads, armies, or otherways, as he sall think fitting, conjoyne or disjoyne regiments and companies as he pleases, give ordour for battaills, fights, skirmishes, keeping or taking of castills, toures, sconces, bridges, passes, and others, and generally everie other thing to do that to the charge and comand of a generall of forces, hors and foote, richtly pertaines: And for his better effectuating thereof, and that all dew obedience may be givin him as generall foirsaid, the haill estaits foirsaid, conveined as said is, did sweare and promise all dewtifull obedience to him in everie thing concernes his chairge of all the Scotis forces, hors and foote, with assurance that whatsoever sall be done be him in his said chairge or executioun therof, conforme to the articles of militarie discipline, aither be himselffe or be these who sall be appoyntit be him in thair seuerall offices, sall be heartily and willingly obeyed, naither sall the punischment of any persoun, of whatsoever ranke, qualitie, or degrie, who sall not do his dewty, or give obedience when he is comanded, be esteemed be any, aither of his kin, freinds or acquaintance, but as the iust reward of his owne demerite, and never quarrelled at na tyme heirefter, and in caice any persone or persones (as God forbid) sall repyne or quarrell any such punischment or deid to be done be the said generall or his said officers, in executioun of thair offices, conforme to the saidis articles, in that caise they sall be held as mutiners, and the rest of the countrey and everie persoun therein obleist to assist the said generall and his posterity against them, till they be punisched for thair fault, and

brought to dew acknowledgment therof; provyding allwayes that the said generall and his officers sall bee ansuerabill and subject to the counsall of estait and the supreme judicatories of this kingdome, alsweill civill as ecclesiasticall, and sall giue his oath de fideli administratione of the tenor to be sett doune in the saidis articles of militarie discipline, and this present comissioun to endure so long as we ar necessitat to be in armes for the defence of the couenant, for religion, crowne, and countrie, and ay and whill the Lord send peace to this kingdome.—Argyll, Montrose, Mar, Cassillis, Lothian, Lindesay, Yester, Montgomerie, Rothes, Boyd, Naper, W. Gray, J. Balmerinoch, Forrester, J. Erskine, Loudoun, Marischall, G. Prestone, S. J. Dowglas, Lamingtoun, Thomas Myrtone of Cambo, W. Cunynghamheid, Sr. J. Moncreiff, J. Blair of that ilk, S. J. Kilbirnie, T. R. of Freiland, W. Conynghame of Cragandis, J. S. Grinok, Robert Scot of Quhitslaid, S. Thomas Hop, for Clackmannane; Sr. T. Craig Rickartoune, S. D. Crichtoune, Robert Dobie, S. P. Hamiltoun, Sr. D. Murray, S. J. Hammilton, George Wynrame, S. J. Wauchope, S. G. Baillie, Dundas of that ilk, S. Patrik Hepburne of Wauchtune, S. A. Gibsone Durie, James Dundas, Lag, J. Somerwel, James Murray, Jo. Hamilton, D. Lyndesay of Kirkforther, J. Reid of Pitlothie, W. Dundas; J. Smyth, for Edinburgh; J. Wallace; Richard Maxwell, for Edinburgh; S. J. Cheisly; T. Durhame, for Peirth; A. Hepburne; Robert Dauidsoun, for Dundie; Tho. Bruce, for Sterling; Mr. George Gray, for Hadington; Johne Osborne, for Ayre; D. Symsone, for Dysert; Wa. Scott, for Selkirk; Johne Williamsone, for Kirkaldie; Williame Meikiljone, for Brintiland; J. Sempill, for Dumbartane; James Williamsone, for Peblis; J. Somervell, for Renfrow; M. Rot. Barclay, for Irving; George Purves, for Dunbar; Williame Grahame; J. Rutherfurd, for Jedburgh; Ga. Conyngham, for Glasgow; George Home, for Northeberwick; M. R. Cuninghame, for Kingorne; James Richardsone, for Pettinweme; Jo. Tullus, for Anstruther Wester.

123. COMMISSION to SIR ALEXANDER LESLIE of Balgony to be General of the Forces. 17th April 1640.

AT the meiting of the Estaites haldin at Edinburgh the sevinteine of Aprill j^{m} vj^{c} and fourtie yeires, the noblemen, comissioneris of shyres and borrowes, haueing taken to consideratioun the present estait of this kingdome, as it now standeth in, not onely threatned with warres concludit against it in the counsall of England and parliament of Irland most vnjustly, without any offence given to either of these nationnes, but also the warres already begune be the governour of the Castell of Edinburgh and garisoun of Englishmen thairin, who hes schot att

the burgh of Edinburgh, and stoped housses, and killed some people without any injury done him or them, the commissionaris sent to court be vertew of his Majesties warrand to clear all thingis could be layd to this nationes chairge, and humbly to supplicat for performance of what was promissed in the campe, are confyned, and some put in close prisoun, armies listed to come against the said kingdome be sea and land, and, in effect, a full determinatioun of the subdewing, killing, and destroying of this land and natioun without showing any just ground or reasoun of quarrell, and so being forced to put themselffes in readines for a lawfull defence of thair religioun, lives, liberties, and landis, haue thought it fit to mak choyse of such a generall of thair forces, to direct, comand, and governe them in all military effaires and dependancies thairof, as vpoun whose wisdome, experience and integrity they might rely; and haueing had experience of the great wisdome, diligence, and affectioun of Generall Sir Alexander Lessly of Balgony, knicht, in the dischairge of his former comissioun grantit to him, thairfor they all in one voyce nominat, elect, and choyse the said Generall Sir Alexander Lessly to be generall of all the Scottis forces serveing for this common cause, alsweill horse as foote, with power to him to tak vp a list of all the number of men and armes in every shirrefdome or burgh within the kingdome, the names of thair colonellis, lieutennentis, majores, captaines, and vtheris officers over whom and every one of them he shall haue full power and comand, of what qualitie, degrie, or estait soever they be, in all militarie effairs, with power also to him, with consent of the committie which shall be with him in the armie, to give order and directioun at all occasiones necessar to draw out to the feildes, or put in garisones such number and proportiounes of men out of ony shyres or burghes, at such tymes and places as he and they sall appoynt, with power lykwyss to him to appoynt secretaries, clerks, scrivinars, and vthers necessar for his service, whose fies and allowances sall be payed out of the comoun collectioun of the kingdome, and generally all and sindrie vthers thingis to doe that to the comand of a generall of forces, horse and foote, rightly pertaines; and for his better effectuating thairof, and that all dew obedience may be givin him as generall forsaid, and he encouraged to doe the service for the good of this kingdome, the haill estaites (at whose entreatie he accepted the said charge) did sweir and promise all dewtifull obedience to him in everie thing concernes his said charge of all the forces, horse and foot, serving in this comon cause, with assurance that what sall be done be him in his said chairge, or executioun therof, conforme to the articles of military discipline either be himselff or these who sall be appoynted be him in thair severall offices, sall be heartily and willingly obeyed, neither sall the punishment of any persone, of whatsoever rank, qualitie, or degrie, who sall not doe his dewtie, or

give obedience when he is comandit, be esteemed be any persoun or persones any vtherwayes then the just rewairde of his demerite; and in caise any persone or persones (as God forbid) sall repyne or quarrell any such punishment or deid to be done be the said generall or his saids officiars in execution of thair office, conforme to the said articles, in that caise they sall be held as mutiners, and the rest of the countrey, and everie persoune thairin, obliest to assist the said generall and his posteritie against them till they be punished for thair fault, and brought to dew acknowledgment thairof; and because, for managing of this warre, the said generall and his posteritie may be called in questioun, and suffer prejudice, and lose in thair particullar for these thingis alreadie done, or which may be done heirefter, according to the dewtie of his place, and at the saids estaites desire and comand, in that caise the saids estaites of this kingdome are heirby obleist, themselffes and thair successors, to maintaine the said generall and his posteritie, and to refound any lose he or they sall sustaine that way, provyding allwayes the said generall and his officiars sall be answeirable and subject to the counsall of estait and the supreame judicatories of this kingdome, alsweill civill as ecclesiasticall, and sall give his oath de fideli administratione; and this present comissioune to endure so long as we are necessitat to be in armes for the defence of the covenant, for religion, crowne, and covntrey, or ay and quhill the same be discharged be the estaites of this kingdome.—Argyll, Mar, Montrose, M. Stormont, Kingorne, Angus, Carnegy, Eglintoun, Dalhousie, Boyd, Kenmore, Sinclare, Johnstoun, W. Ker, Yester, Forrester, Glencairne, Lindesay, Lothian, Wigtoun, Rosse, Montgomerie, Cassillis, Quensberry, W. Gray, J. Coupar, Flemyng, Naper, Blantyre, J. Cranstoune, Elcho, J. Balmerinoch, Wemyss, S. J. Amisfeild, commissioner for Drumfreis; S. Patrick Hepburne of Wauchtun, commissioner for Hadintoune; S. D. Home, for Beruik; Thomas Myrtone of Cambo, for Fyfe; W. Rig, for Fyfe; S. D. Grame of Morphie; J. Dundas off that ilk, for Linlithgow; W. Riccartoune, for Linltgow; Sr. G. Ramsay, for the Merns; S. H. Cesnok, for Air; T. R. Freiland, for Perth; Sr. D. Campbell, for Argyll; S. A. Murray, for Pibles; S. J. Wauchope, for Edinbrugh; S. Thomas Hop, for Clackmannane; Sr. David Murray, for Peiblis; A. Erskine off Dun, for Forfoir; S. L. Houstoun, for Renfrew; H. Bannatyne, for Butt; Lugtoun, commissioner for Edinburgh; S. J. Moncreiff, for Pearthescheir; S. W. B. Lamingtoun, for Lanrik; S. W. Mynto, M. J. Campbell, Andrew Agnew, S. H. Montgomery of Giffine, Larg. Wm. Dick, proveist of Edinburgh; J. C. Gaitgirth, Wm. Douglas in Shirifhal. Harie Elphinstoune off Caderhall, W. Caprintown, J. Fullartoun, S. D. Murray, J. Hamilton, A. Montgomery, W. Baillie, W. Conyngham of Cragandis, T. Fraser, Williame Hume, J. Rentone, Harie Home, Alexander Gordowne of Erlistowne,

A. Belsches, J. S. Grinok, J. Smyth, for Edinburgh; Tho. Bruce, for Sterling; J. Jaffray, for Aberdeen; Jo. Irwing, for Drumfreis; Johne Osburne, for Ayre; James Gibbisone, for Linlithgow; W. Glendonyng, for Kirkcudbryght; D. Andersone, for Cupar; D. Spens, for Rutherglen; J. Reid, for Dumfermling; Robert Beattie, for Montrois; Alexr. Thomsone, for Hadingtone; Patrik Bell, commissioner for Glasgow; Johne Jamesoune, commissioner for Rothesay; Mr. Al. Wedderburne, commissioner for Dundie; Archibald Merser, for Culroise; M. Rot. Barcly, for Irving; James Daling, for the Qwinesferie; George Purves, for Dunbar; Jo. Tullus, for Anstruther Wester; Mark Kinglassie, for Inuerkething.

124. Patent by King Charles the First to General Sir Alexander Leslie, of the titles of Earl of Leven and Lord Balgony. 11th October 1641.

Carolus, Dei gratia Magne Britannie, Francie et Hibernie Rex, fideique defensor, omnibus probis hominibus suis ad quos presentes litere pervenerint, salutem: Sciatis, quia nobiscum perpendentes titulorum dignitatis et honoris collationem nobis tanquam eiusdem fonti maxime propriam esse, precipue erga eos qui suo valore, virtute et meritis promoveri demerentur; et nos perfecte intelligentes quantum honoris et estimationis predilectus et fidelis noster Generalis Dominus Alexander Leslie de Balgony, miles, meritis, magnanimitate et virtute apud exteros in Germania, videlicet, et Suecia, aliisque exteris regionibus in expeditionum militarium scientia, tanto cum successu et felicitate in ducendis exercitibus, tali cum regimine, prudentia, moderatione et dexteritate in difficillimis horum temporum bellis, sibi acquisiverit, vt sicuti publicum applausum, reputationem et approbationem apud exteras nationes demeruit, ita honorem et laudem huic antiquo regno nostro Scotie vbi subditus natus est, addidit: hinc est quod judicavimus regali nostre cure et favori incumbere nobilitatis titulum et dignitatis subsequentis tesseram in eum conferre: Idcirco fecimus, constituimus et creavimus, tenoreque presentium facimus, constituimus et creamus prefatum Generalem Dominum Alexandrum Leslie, suosque heredes masculos de corpore suo legitime procreatos seu procreandos, Comites de Levin et Dominos de Balgony; ac damus, conferimus et concedimus sibi suisque predictis titulum, honorem, ordinem et gradum Comitis et Domini Parliamenti; vt omni tempore affuturo nominentur et appellentur Comites de Levin et Domini de Balgony; cum omnibus et singulis prerogativis, preeminentiis, privilegiis, libertatibus et immunitatibus eidem pertinentibus et spectantibus: Tenendum et habendum

dictum titulum, honorem et dignitatem Comitis et Domini Parliamenti, cum omnibus preeminentiis et prerogativis ei spectantibus, dicto Generali Domino Alexandro Leslie suisque heredibus masculis prescriptis, de nobis nostrisque successoribus imperpetuum, in omnibus nostris et successorum nostrorum parliamentis, generalibus conciliis, aliisque publicis dicti regni nostri conventibus, similiter sicut aliquis alius comes vel dominus parliamenti per leges actaque parliamenti huius regni nostri habet sive possidet. Mandamus insuper nostris Leoni Regi armorum suisque fratribus fecialibus, ut talia additamenta aliaque armorum privilegia suis insigniis prescribant vt in talibus vsitatum est. In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus, apud palatium nostrum de Halyrudhous, vndecimo die mensis Octobris, anno Domini millesimo sexcentesimo quadragesimo primo, et anno regni nostri decimo septimo.

Per signaturam manu Supremi Domini nostri Regis suprascriptam.

Written to the Great Seall, decimo tertio Octobris 1641.

Sr. J. SCOTTISTARVETT.

Sealit vigesimo primo Octobris 1641. Gratis, Jo. HALDANE.

[Great seal appended entire.]

125. COMMISSION by KING CHARLES THE FIRST to ALEXANDER LESLIE, EARL OF LEVEN, as Commander of the Scottish Army, for the suppression of the Irish Rebellion. 7th May 1642.

CAROLUS Dei gratia Scotiae, Angliae, Franciae et Hiberniae rex, fideique defensor, omnibus probis hominibus suis ad quos presentes literae pervenerint, salutem : Sciatis quia nos considerantes status parliamenti huius antiqui et nativi regni nostri Scotiae, audito primo rumore Hibernicae istius rebellionis, e sensu felicis et constantis pacis, non ita pridem stabilitae inter duo regna nostra Scotiae et Angliae, pro eorum humili et debito obsequio erga nos tanquam supremum caput et monarcham vtriusque regni obtulisse nobis in sacratissima nostra persona et aperto parliamento sedentibus decem mille milites ad reprimendam dictam rebellionem, si parliamentum Anglicanum (quod tunc temporis etiam sedebat) idem acceptaret ; quoquidem statibus parliamenti Anglicani significato, benevolentiam statim dicti nostri [regni] Scotiae summo amore amplexi sunt nobisque consuluerunt vt eadem vteremur, prout nos cum consensu dictorum statuum commissionem dedimus quibusdam nobilibus generosis et burgensibus dicti nativi regni nostri Scotiae ad conveniendum cum commissionariis per nos cum consensu dicti parliamenti nostri Anglicani

elegendis, vt deliberarent et tractarent de quibusdam articulis circa emolumentum vtriusque regni nostri, qui inter reliquos articulos in dicta commissione mentionatos hunc tanquam vnum eorundem expresserunt penes subsidium dandum per regnum nostrum Scotiae regno nostro Angliae pro repressione dictae Hibernicae rebellionis secundum documenta data vel danda dictis commissionariis per dominos nostri secreti consilii dicti regni nostri Scotiae, ad quos nos et dicti status nostri parliamenti idem remisimus; secundum quodquidem dicti commissionarii vtriusque regni convenientes Londini et tractantes de subsidio per dictum antiquum regnum nostrum Scotiae nobis regnoque nostro Angliae dando, pro repressione dictae Hibernicae rebellionis, deque modo et conditionibus eiusdem dicti commissionarii concordarunt, eorumque tractatum desuper finiverunt; secundum quem dictus exercitus decem mille militum conscriptus in dicto regno nostro Scotiae est partim transmissus et in regnum nostrum Hiberniae expositus, reliqui vero quam fieri poterit celerrime sunt sequituri: Et nos animo nostro revolventes cujus potissimum fidei tanquam imperatoris dictas copias et exercitum demandaremus, et perfecte expertum habentes virtutem et animi dotes predilecti nostri consanguinei et consiliarii Alexandri, comitis de Levin, domini de Balgony, eiusque prudentiam et felicitatem in ducendis et conducendis exercitibus cujusquidem praeclara testimonia non semel exhibuit, vnde nos cum avisamento et consensu dictorum dominorum nostri secreti consilii elegimus dictum comitem de Levin imperatorem dictarum copiarum et exercitus; Idcirco nos cum avisamento et consensu dictorum dominorum nostri secreti consilii fecimus et constituimus, tenoreque presentium facimus et constituimus dictum Alexandrum, comitem de Levin, etc., imperatorem dicti exercitus et copiarum decem mille militum conscriptorum et conscribendorum in dicto antiquo regno nostro Scotiae pro repressione dictae Hibernicae rebellionis, omniumque aliarum virium, copiarum, agminum et turmarum, tam equestrium quam pedestrium iis jungendorum; cum potestate ei, tanquam imperatori dicti exercitus, transvehendi et t[r]ansvehi causandi dictas vniversas copias ad regnum nostrum Hiberniae, presertim ad illam provinciam eiusdem vocatam Vlster, et ibidem inchoandi, prosequendi omnibusque aliis necessariis vtilibus et possibilibus mediis vtendi pro suppressione dictorum Hibernicorum rebellium, eorum sociorum, assistentium, participum, receptorum aliorumque quorumcunque eorum sociorum, idque secundum articulos tractatus conclusos et conventos inter commissionarios dicti antiqui regni nostri Scotiae et commissionarios dicti regni nostri Angliae, quorum omnia et singula capita et conditiones inibi contentae tanquam pro expressis in presentibus tenentur, ac etiam secundum particularia documenta data vel danda dicto comiti per nos cum consensu dictorum dominorum nostri secreti consilii; nec non cum potestate memorato comiti, tanquam imperatori

antedicti exercitus, vniversis officiariis et militibus in omnibus militaribus officiis imperandi, ac ordinem et mandata per semetipsum aliosque sua authoritate munitos pro bello, praeliis, conflictibus et velitationibus prescribendi in progrediendo vel regrediendo ac in expugnando et custodiendo arces, turres, munimenta, pontes, vias aliaque loca necessaria, et generaliter omnia alia et singula faciendi et exercendi quae ad imperium et locum imperatoris exercituum et copiarum equitum et peditum rite pertinent; idque adeo ample et libere sicuti quivis alius imperator exercitus in quovis nostrorum dominiorum fecit seu facere solet: Mandamus etiam et precipimus vniverso exercitui, omnibusque officiariis et militibus ejusdem, vt omnimodo debite morem gerant dicto comiti, tanquam eorum imperatori, in cunctis per illum eiusque inferiores officiarios iniungendis et mandandis ad ipsius munus spectantibus, inque hunc finem vt iuramenta sua dicto comiti, tanquam eorum imperatori, praestent ad parendum omnibus et singulis quae per illum in exequutione sui officii secundum dicta documenta data vel danda ei per nos dictosque dominos nostri secreti consilii imperabuntur, et vt dictus comes promptius obediatur in mandatis sui officii, cum potestate sibi concilia militaria constituendi ac curias tenendi per seipsum vel alios ab eo nominandos pro executione dictarum legum militarium contra quoscunque delinquentes secundum ordinem militaris disciplinae et documenta data vel danda sibi per nos et dictos dominos nostri secreti consilii; et si contigerit aliquos vel aliquem repugnare, vel detrectare supplicium infligendum per dictum imperatorem eiusve officiarios in exequendis eorum officiis et muneribus quod istiusmodi reputabuntur seditiosi milites et reliqui dicti exercitus tenebuntur et astringentur concurrere et assistere dicto comiti, tanquam eorum imperatori, eiusque inferioribus officiariis in debite puniendo dictos delinquentes secundum qualitatem eorum delictorum; providetur omnimodo quod dictus comes respondebit et rationem reddet nobis et dictis dominis nostri secreti consilii de premissis ac iuramentum suum prestabit de fideli administratione; quodque haec nostra commissio semper durabit donec per nos revocetur: In cujus rei testimonium presentibus magnum sigillum nostrum apponi precepimus, apud aulam nostram Eboraci, septimo die mensis Maii, anno Domini millesimo sexcentesimo quadragesimo secundo et anno regni nostri decimo octavo.

Per signaturam manu supremi domini nostri regis suprascriptam.

126. Testament of John, Lord Melville. 8th May 1642.

At Monimaill, the auht day of May 1642.

The quhilk day I, Jhon, Lord Melvill of Monimaill, being sound in judgement and of perfyt memorie, gives this declaration of that duety I purposed to dis-

cherge towards the persones vnderwritten, for the exoneration of myne awin mynd, and for the direction and information of such as I haif appointed to performe my will heirin efter my decease, if I be praevented be death, and gett not that duety performed, quhilk I haif resolved to do, be thir presents, declairs and ordains as follows, viz.—That of the superplus of the tak dueties and teind bolls payable to me out of the paroche of Monimaill (quhat sall remaine over and aboue the provision of the minister serving the cuir at the kyrk thairof, and that quhilk is ordained to pay the elements thair, and the payment of fyve hundreth merks to the kyrk of Monimaill, left be my predecessour to the same, and over and aboue ten bolls of aitts quhilk I haif ordained to be payed yearlie to my vncle Mr. Thomas, during his lyftyme, efter my decease, and over and aboue vther ten bolls of aitts that Mr. Tho. Crystye hes bein in custome to gett from me sua lang as he continewes chamerlaine), salbe sold and employed to mak payment of the sowmes efter specifeit to the persones vnderwretten, and the tyme of payment to the first of these that ar heirefter designed to be at the first tearme of Whitsonday or Martimes efter my decease, and the tearmes of payment to the rest of thair severall soumes to follow successive as efterwards is expressed, and as for these quhom it sall pleis the Lord to give me leive to tak ordour with myself quhatsoever be heir named to tham, in that cace they sall haif no right nor title to it moir nor if thair had been heir no mention maid of thair names. As lykwayes I appoint those soumes only for these that salbe alyue at the tearme appointed for thame, except that quhilk I haif appointed for James Scrimgeour and Mr. Tho. Crystie thair children, and for John Rowane, that quhilk I haue ordained for thame, I ordaine that it be payed to thame quhidder alyue or not: Inprimis, I leave and bequeath to Robert Meluill of Auchmur, for the redemption of that annuell rent of tuo hundreth and fiftie merk, payed out of Admur, to the airs of vmquhyll John Aitton, the soume of ane thowsand merks vsuall money of this realme, to be payed in the first place, and ordains to be so disposed vpon that it may accress vnto the tyme be off perfyt age: Item, I leaue to James Skrimgeouris bairnes, to be equally devyded betuix thame, the soume of fyve hundreth merks: Item, to my cousing Maior Melvill, the soume of vther fyve hundreth merks, and thir tua soumes to be payed in the nixt place: Item, to Major Melvills sister Helen, six hundreth merks: Item, to hir sister Isabell, four hundreth merks: Item, to Elizabeth Barclay, dochter to vmquhyle Mr. David Barclay of Touh, the some of ane hundreth merks, and ordains thrie to be payed in the thrid place: Item, to the children of vmquhyle Walter Adamsone, ane thousand merks, to be devyded equally amongst thame: provyding that they acknawlege be thair discherge that

they resave the same as a gratuitie, as lykwayes that they oblis thame selfs thairin to pas from all complaints of alledged wrongs done to thair vmquhyle father, be ether of the tuo Lords Melvill, my praedecessors, quhom not only I knew to be very honest men, who wittinglie wold not haue done wrong to any, lett be to him: but all that knew thame, knew thame to be such men, and I desyr that they be advysed to quyt thir conceats, if they wald have this favour extended to thame, and they be payed in the nixt place, eftir Major Melvill his sisters and Elizabeth Barclay: Item, to my aunte Nicolas Scott, the soume of four hundreth merks: Item, to Catharine Broun, dochter to vmquhyle Laird of Fordell Broun, the soume of tuo hundreth merks: Item, to Agnes Barclay, younger sister to Elizabeth Barclay, tuo hundreth merks: Item, to Jean Melvill, my vncle James his eldest dochter, tuo hundreth merks: Item, to hir sister Cristiane, ane hundreth and fiftie merks; and thir fyve to be payed in the nixt place, efter Walter Adamsones bairnes: Item, to Margrett and Jhon Melvill, children to Mr. Robert Melvill, the soume of fyve hundreth merks, to be equally devyded betuix thame: Item, to my ante in Tartetrevie hir dochter Jein Ross, the soume of ane hundreth and fiftie merks: Item, to
Melvills, lawfull dochters to vmquhyle Mr. Harye Melvill, the soume of tuo hundreth merks, to be equally devyded betuix thame: Item, to Jhon Rowan, my tennent in Torbene, the soume of tuo hundreth merks, and that to be payed nixt efter Nicolas Scott, Catrein Broun, Agnes Barclay, Jein and Cristiane Melvills: Item, to Mr. Tho. Crystie his children, the soume of fyfteine hundreth merks: Item, to Tho. Bonner, ane hundreth lib. This is wrettin be Sir Geo. Areskyn, ane of the senatouris of the college of justice, subscryved with my hand, day, year, and place foirsaid, befoir thir witnes, Mr. Thomas Melvill, my brother, Jhon Broun, and the said Sr. Geo. Arskyn the wretar heirof. [Signature torn away.]

127. TESTAMENT of ALEXANDER, LORD BALGONY, and nomination of tutors for his children. 12th January 1644.

I, ALEXANDER, LORD BALGONIE, considdering that the dayes of man ar schort and vncertaine, and nothing mair certane nor death, and nothing mair vncertane nor the tyme thairof, and that it becumes all Christianes tymuslie so to dispose of thair worldlie effaires that all contraversies that may fall furth thairanent efter thair deceis may be prevenit, in respect quhairof I, be thir presentis, mak and constitut William, Maister of Cranstoun; Sir Johnne Ruthven of Dunglas, knyght; Walter Dundas, younger of that ilk; Sir Johnne Leslie of Newtoun,

knyght, ane of the senatouris of the colledge of justice; Arthur Erskein of Scottiscraig, and Johnne Rentoun of Lambertoun, tutouris testamentares to Alexander Leslie, my lawfull sone, and to Ladie Catharin and Ladie Agnes Leslies, my lawfull dochteris, or to sua many of them as sall not be past thair aige of tutorie the tyme of my deceis quhen the samyn sall happin, the saidis Arthur Erskin, Walter Dundas, younger, and Johnne Rentoun, or any of them, to be sine quo non, and they, or any of them, with ony twa of the vthir tutouris abouenominat, to be ane quorum: Lykas I, be thir presentis, nominat and intreit my honourabill freindis, Johnne, Erle of Rothes, Hew, Lord Montgomrie, Alexander, Erle of Leven, Capitane Johnne Leslie, and Mr. James Baird, advocat; the saidis Erles of Rothes and Levin, or athir of them, being allwayes ane, and they, or athir of them, with ony twa of my saidis vthir honourabill freindis immediatlie aboue mentionat, to be ane quorum; to be overseares, and to haue a cair that the foirsaidis tutouris, or thair quorum abouementionat, dischairge and behave them selfes dewtifullie and faithfullie for the weill of my saidis bairnes, or sua many of them as sall be minouris for the tyme as said is, and for that effect to exact ane compt of the saidis tutouris or thair quorum anes or oftner in the yeir; and for the mair securitie I am content and consentis that thir presentis be insert and registrat in the buikis of counsall and sessioun, thairin to remane ad futuram rei memoriam, and for registratting heirof constituttis
my procuratouris, promittentes de rato. In witnes quhairof I haue subscryuit thir presentis with my hand (written be Alexander Leslie, writter in Edinburgh), att Edinburgh the tuelf day of Januar j^{m} vi^{c} fourtie four yeires, befoir thir witnessis, Johnne Fairfull, my seruitour, and the said Alexander Leslie.

Al^{r} Lesly, witnes. BALGONIE.

Jo. Fairfowll, wittnes.

128. BOND OF PROVISION by ALEXANDER, EARL OF LEVEN, for KATHARINE LESLIE, his granddaughter. Newcastle, 3d January 1646.

BE it knouen to all men by thir present letters, I, Alexander, Earle of Leuen, Lord Generall of the armies of the kingdome of Scotland, forsameikle as wee haue prouyded our lands and estate to Alexander, Lord Balgony, our oy, and sonne to umquhill Alexander, Lord Balgony, our sone, and to his airis maill, and of taylye, specifeit in the infeftments made therupon, by the whilk infeftments wee haue pouer receaued to us to contract debts and affect our said lands and heritages therwith, obleidging the persons thereto succeeding to be lyable in payment

thereof: Therefor, and for a constant and for a setled prouision to be secured to Mistress Katharine Lesly, only daughter to the said umquhill Alexander, Lord Balgony, to be bound and obleig'd, lykas wee by these presents doe bind and obleidg us, our aires, executours, and successours in our lands and heritages, and specialy the said Alexander, Lord Balgony, his aires and successours in the said lands and heritages, to content and pay to the said Mistress Katharine Lesly, her aires, executours, and asignays, the sume of fourty thousand markes Scots money, and that at the feast and tearme of Whytsinday or Mairtinmess immediatly followuing her age of fourten yeares, and the ordinarie annualrent of the said principall sume soe long as the same should remaine unpayed after the said tearme of payment, and farther becaus our said lands and estate is prouyded to the said Alexander, Lord Balgony, his aires maill and of taylye, specifeit in our infeftments made therupon, whereby the said Mistress Katharine is debared from succeiding to the said Lord Balgony, her brother, in our estate forsaid, in case he decease without aires begotten of his oun body (which God forbid): Therfor, and in contemplation of the said tailly, whereby the said Mistress Katharine is secluded from all benefeit of succession, as aboue said, wee doe bind and obleige us and our foresaids, and the said Alexander, Lord Balgony, and his aires and successours to our said lands and heritages, to augment the said soume of fourty thousand markes aboue written, and prouided to the said Mistress Katherine as aboue exprest, and to add thereunto the soume of tueuty thousand merkes money Scots, which maks oup and extends together in on soume to the soume of three score thousand merkes Scots money, which sume of three score thousand merks Scots money wee obleig us and our foresaids to content and pay to the said Mistress Katharin and her foresaids at the feast and tearme of Whitsunday or Mairtinmess nixt and immediatly followuing the said Alexander, Lord Balgony his deceas (he alwayes deceasing without aires of his oune body and no otherwayes), with the ordinary annualrent thereof soe long as the samine shall remaine unpayed, after the tearme of payment aboue said, and heerby lykwyes it is speciallie declared that the said Mistress Katharine Lesly shall accept of the said soume of three score thousand merkes aboue written, to be payed to her in maner and upon the condition aforesaid, in full contentation and satisfaction of the sume of fourty thousand marks aboue written, and all other soumes of money and benefeit whatsomeuer, which the said Mistress Katharin may any way clame or pretend by verteu of any former contract of mariage, or band of tailly conceaued in her favoures wherwith the said Mistress Katharine doth heirwith dispence, renuncing all right and tittle therof in tyme comeing, and accepting the said soume of three score thousand merkes upon the condition and with the prouision aforesaid. Moreouer in case

wee or our forsaids failly in the performance and fulfilling of the premiss wee doe then obleige us and our foresaids to content and pay to the said Mistress Katharine Lesly and her foresaids the soume of six thousand merkes money Scots, as liquidate expenss in case of fallie; and for the more securitie wee are content their presentis be insert and registrat in the books of Counsill and Session of Scotland, to haue the strength of ane act and decreit of the Lords thereof, that letters of horning and poynding may be derect heirupon upon ane simple charge of six days, and to that effect constituts my procurators. Promittentes de rato. In witness wherof their presents, written be me, Fergus Neilson, servitor [to] Mr. Thomas Hendersone, adwocat, secretarie to his excellencie, subscryuit with our hand at Newcastle the thrid day of January j^{m} vj^{c} fourty six, before these witness, Sir James Lumsdenn, governour of Newcastle, Collonell Lodovick Lesly, governour of Tynmouth Castle, and the said Mr. Thomas Hendersone.

LEUEN.

Ja. Loumsdenn, witness.
Lodauick Leslie, witness.
M. T. Hendersone, witnes.

129. TESTAMENT of ALEXANDER, FIRST EARL OF LEVEN. 15th October 1656.

I, ALEXANDER, ERLE OF LEVIN, etc., considering that thair is no thing more certan nor death, and no thing more vncertane nor the tyme and place therof, and that it becumes Christianes in thair lyftymes so to dispose of thair worldlie effairis, that all contraversies which may fall furth theranent efter thair deceis may be removed, be thir presentis mak and constitut Alexander, Lord Balgonie, my oy, my onlie executour, vniversall legatour, and intromettour with all and sindrie guides, geir, jewalles, gild, silver, cwinziet and uncwinziet, soumes of money, dettis, plenischeing, mailles, fermes, rentes, and all vther thinges quhatsumever pertening, and which sall pertein and be resting to me the tyme of my deceis when the samyn sall happen; Lykas, I will and ordane that the jewall gifted to me be the King of Swedin be no wayes disposit vpon, bot that the samyn sall be keipt and maid furthcuming to these who ar or sall succeid to my estait fra tyme to tyme perpetualie in tyme cuming, as ane testimonie and memoriall of the King of Swedines respectes to me; as also I recommend to the said Lord Balgonie that he vse all indevouris to obtein to Mistres Jonat Crichtoun, my oy, the soume dew to hir be the Vicount of Frendracht, hir father, and that he haue a cair to sie the samyn weill imployed to hir vse; and in lyk manner, I recommend to the said Lord Balgonie, Lachlane Leslie, who is and hes bein a faithfull and reall

servant to me: And farder I will and ordane that the said Lord Balgonie pay to everie ane of these who sall be servantes to me the tyme of my deceis, thair haill fie which sall be resting to them for the tyme, with half a yeires fie more. In witnes quhairof, I haue subscriuit thir presentis with my hand, wreittin be Alexander Leslie, wreiter in Edinburgh, at Balgonie, the fyftein day of October I^{m} vi^{c} fiftie sex yeires, befoir thir witnessis, Andro Dunbar, my seruitour, and the said Alexander Leslie, and John Boswall of Eister Abden.

LEUEN.

Al^{r} Leslie, witnes.

Johne Boiswil, witnes.

Andrew Dumbar, witnes.

130. WARRANT by RICHARD CROMWELL, Lord Protector, for a Quorum of Exchequer. 4th January 1658-9.

RICHARD, Lord Protector of the Commonwealth of England, Scotland, and Ireland, and domineones thereto belonging: To all men to whose knowledge these presents shall come, greetting: Be it knowne that whereas divers of the judges and commissioners of oure exchequere in Scotland ar called to serve in our intended parliament, and others of them by sicknes or other necessary occasiones, ar hindered frome doing there dueties as commissioners and judges of oure exchequere afoirsaid for some tyme; it is therefore thought fitt by oure councill in Scotland for the governement thereof, that the quorum of the commissioners and judges of oure exchequer aforesaid (which is by there commissione vnder oure great seall of Scotland, bearing date the day of limited to the number of three) be reduced to two vntill further order: and that any two or more of oure saids commissioners accordingly be authorized to put in executione all the powers and authorities given by oure said commissione of the day of to oure saids commissioners and judges of oure exchequer aforesaid, during our pleasure, or vntill further order; in testimonie whereof wee have caused append oure Great Seall to these presents, at Holyrudehous, the fourth day of Januarij, one thowsand sex hundred fiftie eight and fiftie nine.

By order frome the councill in Scotland for the governement thereof.

Writtin to the Great Seall the thretteenth day of Januarij 1659.

AL. JAFFRAY.

Presented and sealed att Edinburgh, the thirteenth of January 1659. Passed gratis by warrant.

AN. ABERNETHIE, deput.

131. PETITION by MR. ALEXANDER PEATHIN, when prisoner in the Bass, for enlargement. 1674.

UNTO the richt honorabill the lordis of his Majesties privie counsell, the petitione of Mr. Alexander Pethine;

Humblie scheweth,—That your lordships petitioner hath been by your lordships order detained prisoner in the Basse eighteen moneths past, during quhich tyme he heth been, through sicknes and great infirmitie of bodie, and want of maintenance, reduced unto great extremitie, soe that his present lot is exceeding sad and lamentable.

May it therfor please your lordships, in Christian compassione and tendernes, to commiserat his deplorable conditione, and to grant him such enlargement as your lordships, in your wisdom and goodnes, shall think fitt, and your lordships petitioner sall ever humblie pray, etc.

Indorsed: "The humble petitione of Mr. Alex[r] Pethine to the honorabill lordis of his Majesties privie counsell, 1674."

132. PROTECTION by KING CHARLES THE SECOND in favour of the COUNTESS OF LEVEN. 7th July 1675.

Charles R.

WHEREAS wee are informed that Countesse of Levin is under diverse processes of horning, captions, acts of warding, and arreistments for severall summes of money resting to her creditours, which shee is willing and able to pay, if shee had for some competent time freedome to her person for setleing her affaires; and considering that her freedome from hornings, captions, acts of warding, arreistments and executions of the law against her person may and will tend to the greater benefite of her creditours in generall, and her own better subsistance, than her restraint and imprisonment by them can produce: Therefor wee, out of our princely bounty and goodnes, doe hereby give and grant our royall protection to the said Countesse of Levin from all hornings, captions, acts of warding, arreistments, and executions of the law against her person for any civill claime or debt for the space of three yeares, to commence from the date hereof; command-

ing hereby all judges, magistrates, messingers at armes, and all others, our officers of justice whatsoever, no wayes to stop, trouble, or molest the said Countesse of Levin in her person for any civill claime or debt dureing the space foresaid, as they will answer the contrary; provided alwayes that shee pay to her creditours the annual rents of her just debts. Given at our court at Windsor Castle the 7th day of July 1675, and of our reigne the 27th year.

By his Majesties command,

LAUDERDALE.

133. ACT of the COMMISSIONERS OF THE TREASURY regarding the value of a feather as the blench duty of Balgony. 17th July 1675.

ATT Edinburgh, the sextinth day of Julij, j^{m} vj^{c} sevintie five yeirs, anent the petition given in to the lords commissioners of his Majesties thesaury by Catharin, Countes of Levin, and George, Lord Melvill, her tutor, bearing that wheras the blench duties of some of the petitioners lands is a white pannash or a single feather (not a plumash of feathers) to be paid at the house of Balgony at Whitsonday yearly, si petatur tantum, and that a single feather is bot of a small value, and that hitherto in reguard of the peyment thairof at the tyme and place aforsaid, the same hes not bein valued by the saids Lords more then roses or blasts of horns (which are the frequent reddendoes of blench holding), these never being intended as ane emolument of the superiority, like a fewdeuty, bot as ane symboll of recognizeney therof allenarly, being only paid at the tyme and place aforsaid, si petatur tantum, as said is; and in regaird thairof ther wes never anything sought by your lordships, by the shireff of the shyre, for the said feather since the first infeftment herof thir many yeirs bygone, yet the petitioners ar informed that the saids lords hes put now a price upon the said single feather, and liquidat the same to one hundred punds Scots, which does not only extend to a very great sume for bygones, bot will likewise be a perpetuall considerable yeirly burdein upon the petitioner and her successors in all tyme comeing: It is therefor humbly desyred the saids lords may delay the modification or liquidation of the price of the said single feather whill the petitioner be hard theranent, and in the mean tyme to discharge the shireff of Fyfe, or his deputs, from calling or charging for the same, aither for the present duplication or for bygones. The lords commissioners of his Majesties thesaurie having considered the above writtin supplication, doe adhere to their former determination in liquidating the feather abovespecifeit to one hundred punds Scots, which the petitioner is yeirly

to pey to his Majesties cash-keiper, and that they fitt an æque therupon yeirly, beginning the first yeirs peyment therof in the moneth of July instant, for the yeir j^m^ vj^c^ sevintie four yeirs; and the saids lords declare the petitioner to be frie from peyment therof of all yeirs and terms bygon resting awand unpeyed preceiding the said yeir j^m^ vj^c^ sevinty four, in regaird it wes a blench duty, and never demanded.—Extractum de libris actorum scaccarij per me, etc.

THO. MONCREIFF.

134. COMMISSION by JAMES, DUKE, and ANNA, DUCHESS OF BUCCLEUCH AND MONMOUTH, to GEORGE, LORD MELVILLE, to agree with the town of Hawick regarding a common, etc. 27th July 1678.

BE it knowne to all men be thir present letteres, us, James, Duke, and Anna, Dutchesse of Buccleuch and Monmouth, considering that wee have severall important busines which concernes us to have presently settled and putt to a close, which our comissioners for manadgeing our affaires in Scotland cannot soe conveniently attend: Therefore, witt ye us to have made, constitut, and ordained, lykas wee by thir presents make, constitut, and ordaine George, Lord Melvill, our very lawfull, undoubted and irrevocable actor, factor, and commissioner to the effect under written, giveing, granting, and comitting to him our full power and comissione for us, and in our name and behalfe, to transact, com[pone] and agree in our name with the persons, and anent the actions after mentioned, to witt, with the towne of Hawick anent the devideing of a comontie, for which ther is an action depending at our instance against the said toune, and with the aires, executours or cautioners of Scott of Bonnytoune, oure chamberlaine to our lordshipp of Dalkeith, anent an actione of compt and reckoning depending at our instance against them, and with the lord and master of Cranstoune, or their trusties, anent ane actione of reductione persewed by them upon a right of reversione to the lands of Midshills, Apletreehall, and the milne thereof, against Scott of Brieryeards, who stands infeft in the foresaid lands, with reall warandice of our estate, and with Sir John Scott of Ancrome, anent a bond granted be Patrick Scott of Langshaw, his father, to our predecessours, for the sume of dated the day of in the yeare of God one thousand six hundred and yeares; as also, to transact with all the heretors of these lands, the teynds of which does belong to us, anent what quantities of victuall, summes of money, or other dewties the said heretors shall be lyable to pay yearely to us for the foresaid teynds, with full power to him to grant and accept of such conditiones, provisiones, and compositiones, to subscryve

and receive acquittances, discharges, renunciations, and obligationes, or other securities, and generally, to doe all other things necessary anent the heall premisses as freely in all respects as wee could doe ourselves if wee were personally present, and which shall be also valide and sufficient to the foresaid persons as if wee had done them, which transactiones or other deed whatsoever lawfully done in the premisses be the said George, Lord Melvill, wee bind and obleidge us to hold firme and stable, and to ratefie, confi[rme], and fullfill the same; and in case the said George, Lord Melvill, shall any way binde and o[bleidge] himselfe to any of the foresaid persons anent the premisses for any summes of money, obligationes, or other deeds to be paid, granted, or performed be us, or shall pay any summes of money, grant obligationes, or doe any other deeds in his owne name for our behoofe, then and in that case wee binde and obleidge us instantly therafter, at his desire, to pay such summes of money, grant obligationes, and performe all other deeds necessary for his releiffe and securitie, and lykwayes to refound and pay to him all such summes of money and other charges and expences which hee shall disburse any manner of way in attending and settling the foresaid actiones, and every other way to freeth, releive, and skaithles keepe the foresaid Lord Melvill of all cost, skaith, and damage that hee shall incurr as our said commissioner; and for the more securitie wee are content and consents that thir presents bee insert and registrat in the books of counsell and sessione, or in any other judges books competent within the kingdome of Scotland, to have the strenth of ane decreit of any one of the said judges interponed thereto, that letteres of horneing and other executorialls needfull may passe one ane simple charge of sex dayes, and to that effect constituts our lawfull procuratours: In witnes whereof, wee have subscribed these presents (written by James Ogilvy, scrivener in the parish of St. Margaretts, in Westminster), at Whitehall, the seaven and twentieth day of July one thousand six hundred seaventy and eight yeares, before these witnesses, Master Duncan M'Arthur, servitor to the said Lord Melvin, and Master John Sinclair, gentleman.

D. M'Arthur, witnes.
Jo. Sinclair, witnes.

BUCCLEUCH AND MONMOUTH.

A. BUCCLEUCH AND MONMOUTH.[1]

[1] Another commission was granted by the duke and duchess appointing George, Lord Melville, their commissioner, with power to let their lands in Scotland, to repair houses, parks, etc., sell woods, dispone the coal of Sheriffhall, and generally to manage the estate, grant charters and pre cpts of seizin to such with novodamus, providing such novodamus were consistent with the entail made by Francis, Earl of Buccleuch, to the duchess, etc. Dated at Whitehall, 28th September 1678; witnesses, Sir George Mackenzie of Tarbitt, Mr. Anthonie Rowe of the parish of St. Martin's in the Fields, - and registered in the Books of Council and Session 19th March 1679. [Extract.]

135. TESTAMENT of GEORGE, LORD MELVILLE. April 1683.

WEE, George, Lord Melvill, knowing the certaintie of death and vncertaintie of the tyme and maner thereof, and being desyrous to settle our affairs in our ain tyme, therfor, while we ar yet (blest be God) in health of bodie and soundnes of mind, wee doe committ our soules to God, and ordaines our bodies, when dead, to be honestly buried conform to our qualitie: And as for our worldlie affairs wee nominat and constitut Lady Kathren Leslie, Lady Melvill, our spous, our sole executrix and intromissatrix with, and vniversall legatrix in and to our haill executrie and moveable goods and gear quhatsomever; and therfor we herby dispon to the said Lady Melvill, our said spous, our haill cornes, horse, nolt, sheep, insight plenishing, domicill, vticill, our haill silver worke, jewells, abuilziaments, woollen and linen cloths of all sorts, timber, iron, brass, and peuter worke, and all other moveable goods and gear quhatsumever pertaining or belonging to us, or that shall pertaine or belong to us the tyme of our deceas when it shall happen, and als all sowmes of money, debts, compts and reckonings dew and restand awand to us by any person or persons quhatsumever, dispenseing with the generallitie hereof, as if all particulars were specially insert, all quhich we dispon to her and her airs, executors, and assignees, with full power to her and her forsaids to mell and intromett therwith, call, follow, and persue therfor, vse, and dispon therupon at their pleasure, discharges to grant, and all thingis to doe quhilk belongis to the office of executrie and legacie forsaid; and farther, we doe hereby nominat and appoint David, Earle of Leven, our secund sone, Alexander, Master of Melvill, our eldest sone, and James Melvill of Cassingrey, our brother, John Melvill of Cairnie, James Lundie of Auchtermairnie, and David Balfour of Grange, tutors testamentar to our youngest sone, Mr. John Melvill, during his pupillaritie, with power to them, or any thrie of them, one of our sones being alwayes one of the thrie, to doe all thingis anent his affairs quhilk any other tutor testamentar may doe; and we consent thir presents be registrat in the bookis of counsell and session, or any other competent, that letters and executorialls may pass thereon in the ordinar maner, and constituts therto our procuratours, etc.
In witnes quhairof thir presents, written by John Moncreiff of Mornipe, ar subscryuit vith our hand att the day of Apryll j^m vj^c eightie thrie yeires, befoir thir witnesses, James Melvill of Cassingrey, Robert Black our servitor, Mr. David Scrymseour of Cartmoir.

Da. Scrimseour, witnes. MELVILL.
Robert Black, wotens.

136. INSTRUCTIONS to GENERAL DRUMMOND as Justiciar. 4th December 1684.
[Copy.]

INSTRUCTIONS given by his Majesties privy counsell to Gennerall Drumond, in prosecution of a commissione of justiciarie granted to him, of the date the 4 December 1684.

1st, Yow are to goe to the southern and western shyrs, quhair severall rebells and fugitives and thair adherents and acomplicesses doe haunt and resort, and committ great insulancies and abusses, and for your assistances in reduceing and punishing them conforme to your commissione, yow are to take with yow the forcess following, viz., the halfe of the troope of guard, etc., and with them yow are to persew, take, apprehend, and kill the forsaids rebells and thair recepters.

The 22 of November 1684.

The lords of counsell ordaine any persone who owns, or will not disowne the laite traiterous declaratione upon oath, whither they have armes or not, to be imediatly put to death, this being allwayes done in presence of tuo wittnesses and the person or persones haveing commissione from the counsell for this effect.

137. PETITION of CATHARINE, LADY MELVILLE, to PARLIAMENT.
12th June 1685.

To his grace the Duke of Queensberrie, his Majesties high commissioner, and the honourable estaits of parliament, the petition of Cathrin, Lady Melvill;

Humbly sheweth,—That the petitioner being informed that the lords of the articles have proceided against the Lord Melvill, her husband, in the proces of treason depending against him, and have sustained that article of the lybell relaiting to his alledged corresponding with the rebells at Bothwelbridge, and sending messages to them, and have found the same proven. It is now humbly represented for the petitioner (who, if her husband be forfaulted, will therby be depryved during his life of all means of subsistance, which gives her a sufficient interest to make this humble address) that the forsaid article of the lybell ought not to be sustained, and is cleirly elided and taken off, in so farr as the Duke of Monmouth being fully impowered by his commission vnder the great seall, dated 12 June 1679, to treat with the rebells, and give them truces and remissiones, and to doe all other things which he should think expedient for his Majesties service, he did accordingly direct and authorize the Lord Melvill to

send propositiones to the saids rebells, and to receave some from them, in order to their laying doun their armes, and submitting to the kings mercie, which is instructed by a wryte vnder the Duke of Monmouths hand, which is now produced, with a double of his commission, and it is supposed that it will appear wpon the re-examinatione of the witnesses that he had a warrand, and consequently the Lord Melvills sending any message to the rebells in obedience to the generalls order being a warrantable act, the said article of the lybell is therby taken off, and if this had bein represented to the lords of the articles, the petitioner humbly conceaves it would have bein sustained.

May it therfor please your grace and the honourable estaits of parliament to consider the petitioners case, and what is now represented against the forsaid article of the lybell, and the cleir instructiones therof, from which she humbly conceaves it will evidently appeir that her husband did act warrantably, and consequently that the said article aught not to be sustained to inferr any cryme against him, and the petitioner shall ever pray. KATHAREN MELVILL.

Edinburgh, 12 [June 16]85.—My lords commissioner his grace, and the lords of the articels having hard this bill and instructions, they refuse to grante the desayr therof, in respect that the defender not compiring, noe defence can be admited for him. PERTH CANCELL., I.P.D. Art.

138. ADDRESS by the HERITORS OF THE SHIRE OF AYR to the PRIVY COUNCIL. 23d June 1685.

Air, 23 June 1685.

WEE, noblemen, gentlemen, and heritores within the shirreffdome of Air, being this day conveined within the Tolbuith thairof, by warrand of the Earle of Dumbartoune, comander in cheiff of his Maiesties forces, and in his absence, Livetennent Generall Drumond being present with us, did propose and demand of ws the secureing the peace of the said shyr, by purgeing therof off these rebellious persones, which ar now and hes bein in severall places of the same in armes against his sacred Maiestie, and his authoritie, lawes, and liberties of this kingdome, and to discover the harborers and resetters of these rebells, and wee, out of the deip sence wee have of our duetie and alleadgeance to his sacred Maiestie, his lawes, authoritie, peace, and tranquilitie of this realme, and of our great abhorance wee have to such rebellious principills and practices, doe vnanimously offer (to our outmost endevoures) ourselfs and these vnder our comand, to

extirpat, kill, and apprehend all the saids rebells, and to bring ther harborers, resetters, aiders, counsellers and advysers, to condigne punishment, and to burne ther houses, and secure ther whole cornes, cattell, guids, and geir belonging to them, and craves his Maiesties authoritie to ws for that effect, and to grant warrand of justiciary to such persones as your lordships shall think fitt within the said shyr, and in respect wee have bein severall tymes disarmed, and that the places wher these rebells comonely haunts ar in grounds vnaccessable by horses, therfore, wee humbly crave that his Maiestie allow to ws such ane number of footmen, aither of the forces or militia, with armes and amonitione, for assisting ws in executing of the said comissione, as your lordships shall think fitt, and what wther methods his Maiestie or his counsell shall be pleased to prescryve to ws for the forsaid effect, wee ar and shall be most reddy to observe, and have all of ws vnanimously choisen the Earle of Eglingtoune our preces, and have heirby authorized his lordship to signe this humble adress in our names, which wee hold to be alse obleidgeing upon ws, as if ilk ane of ws hade subscryvit the same ourselfs. EGLINTOUN.

Indorsed: "The humble address of the noblemen, gentlemen, and heritores of the shyr of Air to the lords of his Maiesties most honorable privie counsell 1685."

139. CONFERENCE between JAMES STEWART and GEORGE, LORD MELVILLE, about assisting Argyll's Expedition. *c.* 1685.

JA[MES] ST[EWART] came to Rotterdam to the Lord Melvill the Saturnday befor Argyle parted from Amsterdam, and brought with [him] a letter from the Pres[ident], he himselfe proposed to Lord Melvill to give bond for a certain sume of mony for what Argyle had lifted, etc. The Lord Melvill answered he knew nothing of what mony the Earle Argyle had borrowed, nor how he had employed it, but quhat he heard by general report, neither knew the grounds quharon Argyle went on, nor quhairupon he built, he keept those things to himselfe, and had saide he was not bound to give ane account to others, and told James, both then and befor, what had passed upon this heade, which was the reason he would never goe again to Amsterdam to any mor of their meetings, etc. He told James expresslie that he would [not] medle in engadgeing for any of that mony Argyle had borrowed, nor did thinke himselfe any way oblidge[d] to doe it, he neither being privy to it except ex post facto and by report only, nor ever did desire any whatsoever to lend the said mony, nor promise any maner of way to give security

for any part or portion of it, he was not to blame or censure what other men did, but was the most proper judge of his own actions and what was fitt for himselfe to doe, and he belived he himselfe and others wer not satisfied with the conduct mor than he, although they had patcht upe ther bussines again upon what terms they themselvs knew best, his scruples still remained, and thought that thwarting in the beginning, or rather befor the undertakeing, lookt not weell, etc. All which Mr. St[ewart] acknowledged, and gave Lord Melvill, as he said, a particular of [quhat] had past amongst them, and pretended to [be] more dissatisfied with Argyle['s] way than he, but still urged that since differences wer some way composed and the undertakeing was determined, that since he did not goe himselfe he would give bond for a part of the mony, and used what arguments he thought fitt, that Staires had done the like, and it would be a thing he would never be trowbled for the payment off, etc. Desired likewaise he would send some ready mony as Stairs had done, etc. Melvill still absolutly refused, and to the former reasons added that quhat Staires had done was no rule to him, he knew upon what considerations he had acted which he was not to canvass, etc., for the litle mony he had sent, they wer not in equall circumstances any maner of way, for he had a good estate, was in the possession of it, had his sons at home in good employments, had mony abroad, while Melvill was declared fugitive, had his estate sequestrate, had no mony but burden, knew not either how himselfe should subsist, or how his wife and children should gett bread, and though ther was some litle mony in Mr. Russells hands, which he had the disposeing of, yett it was but a small business, neither could he call it weell his own, it being most his sone L[evens] who was at Paris and could gett no correspondance keept in Brittain, had his accompts and debts at P[aris to] satisfie; that it was fitt for him if possible to remove from that, that was all his wife and any freind that would concern themselves could doe for both, and litle or no prospect of any further, he see no reason why any man or wife in Rotterdame, or elsewhere, should prescribe to him what to doe, especially since they knew not his circumstances, and since it might take the most of that was in Mr. Russells hand, if not more, to gett his sone out of France, which [he] was concerned about whatever others wer, he thought it unreasonable demand to desire any of it; and for giveing bond for any of that mony, etc., saide he was possitive he would not, nor did he see any reason for his doeing it, he had smarted eneugh already for the projects of others in Holland quhen he was at a distance, and that he then warned of the inconveniencies when he heard of them, and it was that that had brought him to the condition he was in, and brought many in bad circumstances, he wished this undertakeing might not have bade consequences, for if it should miscary, probably it might occasion the ruin of that

interest they pretend for, and the extirpation of the party, and that others had great hopes of succeeding, since ther was no considerable grounds for them given to him he might be excused thogh he could not be of the same opinion till he knew better how they wer founded, and he knew others more than he wer not satisfied with the conduct not long before. how all was pact now he knew not, and so was positive he [would] not engadge for any of that mony, which [was] given and advanced upon other considerations then his security or any ground from him, besides he said it might be thought but a cheat for him who had no estate to give bond quhen he knew not how to pay, etc. Mr. St[ewart] had not much to say but quhat he hade said before and was answered, but saide those concerned wer now agreed, and that they wer determined and ready to goe, etc., and that ther was yett mony wanting, etc., that whatever hade been they and cariage of some which he did dissaprove as much as he, yett it being a publicke concerne, and his freinds engadged for, whom he knew had a kindness as P. W. etc.; and that mistaks wer removed, and the persons come to better understanding, etc., he pressed he would give bond for some mony which was yett. Melvill replied that what mony was given was done already, and advanced upon another trust, etc., that he would not at all medle in it; for his freinds that wer to goe alongs he had freindshipe and kindness eneugh for them, but was in no capacity of advanceing mony to them, and he knew non would upon his bond. He said possibly ther might, and if ther was not, he was in no hazard, etc. Upon which he was prevailed with to give a bond for 500 lib. for ther use, or as they should concert it; upon which Mr. St[ewart] presented him a blanke bond both as to sume and person. Melvill, after the sume was agreed too, would have the person names insert, for he knewe not in what hands it might fall, nor how it might miscary, and the draught being drawen, and litle tyme to wrett over, James being pressing to have it away soon, that ther might be time to raise the mony, for he did not lett Melvill know they wer already sailed, if he knew, though they wer befor this communing; and Mr. Stewart haveing commended Mr[s.] Smith as so good and religious a woman, and upon whose credite and interposition all the mony had been raised, as he saide; Melvill would have her name insert in the bond, though he knew her not but by report, nor remembers that he had seen her that he knew her, but looking wpon her as a conscientious woman, if either the bond should miscary, or the conditions on which it was granted should not be performed, which was to advance of new 500 lib. upon the receat of that bond, which was thought was equivalent to his sending and desireing it; he would gett her oath upon the payment of the mony as aforsaide, and if not, he did not thinke himselfe oblidged for the payment. have[ing] had no

kind of transaction nor medleing in the advance of any mony more or less, but what should be after this advanced upon the receat of this bond; and for long after this he never heard quhat was become of this bond till he was at Dewsburgh, for Mr[s.] Smith had never spoke any such thing to him, nor had the least insinuation of the payment of any mony, thogh he see her afterwards; thogh he knew shee was designing to send some supplies to Argyle a good while after he went away, James Stewart had [said] quhen askt what was become of the bond that he knew not, but had sent away the night after to Amsterdam, but that the persons wer gone from that, and the carier hade taken it to the Tezell with him quhen Melvill was at Dewsburgh, for before he had been wandering much upe and down he wrott to J[ames] St[ewart].

It was advanced and employed without his knowledg and without any desire from him directly or indirectly, and he had never receaved on grott of it, nor knew how nor quhen nor what lent except by what he saide, which was nothing to him. As for that argument that he would never be trowbled with the payment of it, it was nothing to him, that he did not know that, etc., either their affaire would cary or not, if it did according to what he saied, ther would be a generall course taken for the payment, etc.; and so ther was no need of his bond, if it did miscary he would be looser eneugh, etc., and knew quhat he would doe, etc., and was not willing to have such a bond over head needlesly, have[ing] as before saide neither gott any of the mony nor given the least ground to any to advance less or more of, nor never haveing the least treateing or communing with any person who advanced it, nor so much as acquaint with nor warrand or comissionateing any other whatsoever, directly or indirectly to doe it, and that what [was] advanced was upon the confidence and assurance of others, etc., and still refused, James acknowledged had not been weell traited by A[rgyle], etc., and so Melvill and Mr. St[ewart] parted that night.

The nixt day, in the evening, Mr. St[ewart] came again to M[elvill] to press his former desire, and told it might be ill construed, etc., that he answered, he could not helpe, he was no waies to blame, but because he would not subject his reason to other mens dictats, which he see no cause for, he was [not] to blame others actions, desired the liberty of the judgement of discretion as to what was proper for himselfe to doe.[1]

[1] This account of the conference appears to be in Lord Melville's own handwriting, and is probably a rough note made at the time

140. REPORT of JOHN MILLER, captain, on preparations of war at Brest and Nantes. May 1689.

I, JOHN MILLER, having been att the toun of Nantez in France, with my ship a moneths tyme, wes informed the tyme I wes ther, that ther wes fourtie thousand stand of armes shiped at Brist, tuo thousand barrells of pouder, four hundreth caices of pistolls, tuenty thousand sadles, with match and other things conforme. I saw great quantities of the afforsaid armes and amunitione carieing from Nantes to Brist, which came doun the river of Nantes, with cobarrs, and they had with them a great quantitie of speds, shovells, and howells.

The French fleet, consisting of thretty tuo men of warr, four great fley boats sailed from Brist the tuenty sixt of Aprile last for Kingsaill in Ireland. It wes confidently reported the[y] had aboard tuenty thousand men; in which number wer Inglish, Scotts, Irish, and French, and fyftie horses sent by the French king to King James, wherof I saw fyftein att Nantez.

When I wes vpon my way homeward I saw lying att anchor in the mouth of the river of Brist, vnder Saint Mathews cloyster, three French men of warr bound for Brist, to make vp ane neue fleet for Ireland. This last informatione I had from tuo French fishers, that came from Brist the tuenty sevinth Aprile.

Whyle I lay att Nantez I saw abundance of French troops evry day, marching towards Brittanie and Normandie, and a great many foot suldiers levieing, and wes informed the uholl kingdom of France wer mustred once a weik in touns and countrie; the Duke de Shan being appoynted overseer att Nantez. This toun did make offer of ane hundreth and fyftie thousand crouns to the King of France, besydes ther ordinarie tax. It wes reported ther that all the cities and touns in France conforme to ther abilities wer to doe the lyke, and that ther wes sent over with the fleet six millions of money to K. James.

Ther are severall ships still going of from France to Ireland with cornes, wherof four came with me the lenth of Vshant.

Indorsed: "Attestation of Miller concerning the preparations at Brest, and other places in France, May 1689."

141. COUNCIL OF WAR at Derry. 19th June 1689.

A COURT Martiall held on board his Majesties shipp the Swallow, June the 19th, 1689.

Major Generall Kirke, president.
Collonell Stuart.

Collonell Sir John Hanmer.
Lieutenant Collonell St. John's.
Lieutenant Collonell Woolseley.
Lieutenant Collonell Dompiere.
Lieutenant Collonell Mainvilliers.
Lieutenant Collonell De la Barte.
Lieutenant Collonell Lundini.
Major Rowe.
Major Tiffin.
Major Carville.
Mr. Richards, engineer.
Captain Cornwall, commander of the Swallow fregate.
Captain Leake, commander of the Dartmouth.
Captain Gillam, commander of the Greyhound.
Captain Sanders, commander of the Henrietta yacht.
Captain Boys, commander of the Kings-Fisher ketch.

That by all that wee can see or hear, it is positively believed that there is a boume cross the river a little above Brookehall, at a place called Charles's Fort, where one end of this boume is fixed, the other extending to the opposite point. The boume is said to consist of a chain and severall cables, floated up with timbers; at each end of which are redoubts with heavy canon. The sides of the river are entrenched, and lined with musketteers. Besides this obstacle in the river, severall intimations have also been given of boats sunk, stockado's drove with great iron spikes, but in what manner wee could never perfectly learn, but 'tis certain that they neither want boats, timber, etc., to effect anything of this kind. The accident that hapned on Saturday the 8th instant to the Greyhound fregate is evident proof that they are in a capacity to bring down canon anywhere they should be opposed. So that should anything bee attempted in going up this streight channell, and miscarry therein by severall accidents as may happen as the shifting of a wind striking ashore, or damages received by their great guns, there is very little reason or hopes left to think to get off, and if no other opposition should bee then the boume, which if not broke by our attempt, the breadth of the river is so narrow as that the shipp will certainly run ashore. This loss, tho' great to his Majestie, would bee of much more and of greater consequence in the leaving the enemy possessors of so many great guns, with our stores of warr and victualls, which if they had they would certainly make a more formall attaque upon the town of London-Derry, which to this time they have not attempted, wee suppose for no other reason then for the want of artillery enough, besides the

miscarriage would so dishearten the town and encourage the enemy as to bee of extream consequence, besides since the Greyhound and the rest of the fleet's being here wee never have received any intelligence from London-Derry which gives us great reason and some assurance that they are not extreamly pressed by the enemy, or want of ammunition, or provisions of mouth.

All this being considered, 'tis the opinion of us now sitting at this councill, that 'twill be more prudent, and for his Majesties service to stay here till a greater force joins us, so that wee may bee a sufficient number to make a descent and force the enemy to raise the siege, by which means the town will bee succoured, or that the town should have sent us advice of every particular relating to this affair, by which wee may with safety take other measures.

Ed. Boys.	La Barthelhomae.
Tho. Gillam.	De Mainvilliers.
Wm. Sanderson.	Isaac De Dompierre.
John Leake.	Wm. Wolseley.
W. Cornewall.	Tho. St. John.
J. Richards.	John Hanmer.
Will. Carville.	Wm. Stewart.
Zach. Tiffin.	R. Kirke.
Henry Rowe.	
Londigny.	

Indorsed: Double of a Counsell of War at Derry, 1689.

142. Warrant by King William the Third for a Commission to David, Earl of Leven, to be Governor of the Castle of Edinburgh. 4th July 1689.

William R.

Our soveraigne lord ordaines a letter to be made and past under the great seale of his ancient kingdome of Scotland in due forme, making mention that his Majesty being resolved to bestow the charge and trust of constable and governour of his castle of Edinburgh upon his right trusty and welbeloved cousin and councellor David, Earle of Leven, as a person of so great loyalty and integrity as renders him every way qualified for exactly discharging the duties of so eminent a trust: Therefore to have nominated, made, constituted, and appointed, likeas his Majesty by these presents nominates, makes, constitutes, and appoints the said David, Earle of Leven, during his Majesties pleasure only, constable and

governour of his Majesties said castle of Edinburgh, giving, granting, and assigning, likeas his Majesty (with the advice and consent of the lord high treasurer and lord treasurer depute or lords commissioners of his Majesties treasury for the time being, and of the rest of the lords of his Majesties exchequer) hereby gives, grants, and assignes unto the said David, Earle of Leven (during the space foresaid) all rents, duties, casualities, emoluments, immunities, and priviledges whatsoever pertaining and belonging thereunto any manner of way. To be brooked and enjoyed by the said David, Earle of Leven, as fully and freely in all respects and conditions as any other of his predicessors, captains and keepers, or constables and governours of the said castle did possesse and enjoy, or might have possessed and enjoyed the same by vertue of any gift or commission from any of his Majesties royall predicessors; with full power unto him by himselfe, his factors, servants, or others in his name, to intromitt with, uplift, and receive for his own use and behoofe the aforesaid rents, duties, casualities, and others above mentioned belonging to the said castle, beginning the payment of the victuall rent for the whole crop and year of God one thousand six hundred and eighty nine instant, and also of the silver rent belonging thereunto for this present year at the ordinary terme and time of payment of the same, and both so forth to be continued yearly thereafter during the space foresaid; with full power also unto him and his foresaids to call and pursue for the same as accords of the law, and to give discharges and receipts thereupon, which his Majesty declares to be valide and sufficient to the receivers, commanding the said David, Earle of Leven, constable and governour of his Majesties said castle of Edinburgh, to observe and follow all such orders, directions, and commands as he shall from time to time receive from his Majesty, in pursuance of the trust hereby reposed in him. And his Majesty ordaines the said letter to be further extended in the most ample and best forme, with all clauses needfull, and to pass his Majesties said great seale per saltum without passing any other seale or register: In order whereunto these presents shall be to the directors of his Majesties chancellary and their deputs for writing the same, and to the lord high chancellor, or lords commissioners appointed for keeping the great seale, for causing the same to be appended thereunto, a sufficient warrant. Given at the court at Hampton Court the 4th day of July 1689, and of his Majesties reigne the first year.

May it please your Majesty.

These containe your Majesties warrant for a letter to be past under the great seale of your ancient kingdome of Scotland, nominating, making, constituting, and appointing David, Earle of Leven, during your royall pleasure only, constable

and governour of your Majesties castle of Edinburgh, giving, granting, and assigning unto him (during the space foresaid) all rents, duties, casualities, emoluments, immunities, and priviledges whatsoever thereunto belonging, as fully and freely, in all respects and conditions, as any other of his predicessors, captains and keepers, or constables and governours of your Majesties said castle did possess and enjoy, or might have possessed and enjoyed the same by vertue of any gift or commission from any of your Majesties royall predicessors. The payment as well of the victuall rent as of the mony rent belonging thereunto beginning for this present year of God 1689, and both to continue yearly thereafter during the space foresaid in manner fully above mentioned. MELVILL.

143. NOTE OF EVENTS in Scotland at the Revolution, with ADDRESS from the PRIVY COUNCIL to WILLIAM, PRINCE OF ORANGE. 24th December 1688.

ABOUT the beginning of September 1688, the counsell being informed by the chanclore that it was the kings pleasure to put the kingdome in a posture of defence against forraigne invasione, they, in the first place, judged fitt that the castle of Stirling should be made a garrisone, to keepe communicatione betwixt the southerne and northerne shyres, and ordored Generall Douglass to reinforce the garrison, and supplie it with all provisions necessary; and furder ordored letters to be directed to the severall sheriffes within the kingdome to conveen the gentlemen heretours to see what condition they were in to serve his Majestie: Therafter ther came ane letter from the king to the counsell ordoreing the heall standing forces, exeecpt the garrisones, to march into England, which accordlingly was done: Therupon the counsell ordored the fourt part of the millitia, foot and horse, to be sent out with fourty dayes loane, and Livtennent Generall Monro to be commander in cheiff within the kingdome of the forces; therafter, upon the 7th of December, the said detachment was ordored to be disbanded, and in place therof ther was a leavie ordored of four companies of foote, each consisting of 120 foote, one livtennent, one ensigne, and three serjants, which was done accordinglie; some of the horse were lykwayes keep up; therafter the chanclor acquainted the counsell that it was his Majesties pleasure that the magazine should be transported from Edinburgh Castle to the castle of Stirline, and therupon ane warrand was granted accordinglie: Therafter the chanclor deserted the counsell, and a great tumult happened in Edinburgh, quhairof the counsell transmitted ane full accompt to his Majestie by the Earle of Breadalbane, and the Earle of Lithgow, Bishope of Glasgow, Advocate, Solicitar, and Sir William Patersone, one of the clerks of counsell, alloued to repare to courte, and the Marquess of Atholl, Douglass, Southeske,

Hoom, Lauderdale, Kinaird, Strathmore, justice clerk, Castellhill, and Lochore, declared ther resolutiones to stay and attend his Majesty's affairs in this juncture. The Marques of Atholl was allowed to trate with Duke Gordon for surrendering the castle to quiet the tumult of the cittie, and accordingly ther were certaine articles conserted in ane acte of counsell, and offered to the duke, which he postponed and deferred to give answer to untill he knew the kings pleasure. The counsell being acquainted by a letter from the Earle of Pearth of his seasure and imprisonment in the Tolbooth of Kirkaldie, they recomended to the Earle of Marr to transporte him to the castell of Stirling, and to keepe him closs prisoner therin. Upon the 24 of December the Marquis of Atholl communicats to the counsell a letter he had from the bishop of Glasgow signifieing that it was his opinione that the counsell should address the Prince of Orrange for his protectione and calling of a parliament for secureing the Protestant religione, the present established lawes and goverment, which letter was ordered to be recorded; and therupon ane address to his Highnes the Prince was ordored to be drawen accordinglie, quhairof the tenor followes:—

To his Highness the Prince of Orrange, etc., from the counsell of Scotland.

Wee, haveing sometyme agoe humbly represented to his sacred Majestie the necessitie of calling of a free parliament, and considering the great zeall which your Highnes hath manifested for the Protestant religione, your good intentiones for these kingdoms, and particularly for Scotland, exprest in your declaratione, the eminent dangers to which your Highnes hes exposed your persone, and the vaste treasure you have expended for our safety, these certaine evidences of your Highnes piety and generous inclinationes and undertakeing, doe invite and assure us humbly and earnestly to address to your Highnes for your protection and assistance in procureing a free parliament to this kingdome of Scotland, in which our religion may be secured in the most comprehensive termes for including and uniteing all Protestants, and that the just rights of the crown, the property and liberty of the people may be established upon such solid foundationes as may prevent all fears of future attempts upon our religione, or divisions and animosities amongst ourselves, the glory of God, the honour of your Highnes, the wellfare and happieness of this kingdome. Sic subscribitur, Atholl, Douglass, Cassills, Linlithgow, Strathmore, Lauderdale, Kinaird, Geo. Lockharte, Ja. Dalrymple, J. Lockhart, Alexr. Malcome. Edinburgh, 24 December 1688.

Indorsed: Ane note of what passed about the tyme of the kings comeing over. 1691.

144. MEMORIAL from DAVID CAIRNES respecting his services at Londonderry, with CERTIFICATE by CHARLES, EARL OF SHREWSBURY. 11th March 1689.

To the right honourable the lords of the committee for Irish affaires. This following Memoriall I humbly presume to lay before your lordships:—

That as the citty of Londonderry was the first place in Ireland which took up armes and resolutely opposd the enemy on this late revolution, so I was (at least) one of the first gentlemen that concurd to and incouragd the defence of the same at that tyme, or that appeard openly there or in that kingdome in armes in defence of our selves and the Protestant interest.

That I was also the first soon after (in a very stormy season) sent over from that citty as their publique agent to make application here for releef, which accordingly I did for diverse months togither with my utmost dilligence, as your lordships (I presume) may remember, and by certificate then from the cheif secretary does yet appeare, but without any the least consideration for the same to this day.

That since then I have been diverse tymes imployd from his Majestie and your lordships on the publique service in long and dangerous journeys and voyadges through these kingdomes towards releef of the said citty and kingdome, with many remarkeable hazards of my life, and very narrow escapes both by sea and land, as is known to many, in all which I have (as I truste) acquitted my selfe with utmost fidelitie and dilligence, and doe appeal to your lordships if it be not so. I brought yow in also Mr. Browning, my freind, by whome that citty was at last releevd, albeit he lost his life in the action, and by advice I sent over in July last, our two little vessels taken by the French frigots were retaken.

That I am not only for the present deprived of all my estate and concernes in Ireland (where the same wholly lay), but have lost much thereof beyond all retreive in houses and buildings about Londonderry, burnt and pulld down to the ground with my own consent in Aprile last for preservation of that place (a considerable part of the suburbs whereof belongd to my selfe), and by my early relinquishing my own affaires and family there from the 11th of December before, to serve the publique, have been a particular sufferer, besides the loss of my brother (an officer at Derry) and many more of my neare relations there dureing the seige.

That I was bred to the study and practice of the lawes of these kingdomes, haveing been a councill at barr in Ireland these 14 yeares past, or above, and am (I would humbly hope) the more capable to serve his Majestie and the publique

in any office or place there his Majestie shall please, and albeit there be many of the gown from thence very worthy and deserveing gentlemen, yet nevertheless I am bold to say (and hope without offence to any) that in poynte of exposeing my life so often to utmost hazards in travelling, and toyleing so extreamly, and appeareing so early for the publique and Protestant interest, I stand single and alone, as all must allow. I speake not this out of vanitie, for I only indeavourd my dutie, and have covered the same with much silence ever since your lordships and others have seen.

Your lordships were pleased some while since to expres your selves very kindly towards me, what yow would doe for me with the king as soon as occasion servd. Wherefore now since his Majestie and your lordships are (as we heare) about ordering some civill establishment in Ireland, or so much thereof as reducd, I humbly presume to reminde your honours hereof now in tyme, that yow would please to interpose with the king in my behalfe, that as I appeard early there for his Majesties and Protestant interest I may also, if he thinke fitt, and as some marke of his royall favour and acceptance of what lay in my power to serve him, be amongst the first imployd by him over there in order to the resettlement of that kingdome and his Majesties interest therein, to which I would most willingly contribute my utmost indeavours as he shall please to capacitate thereunto.

DAVID CAIRNES.

Charles, Earle of Shrewsbury, Waterford, and Washford, etc., one of the lords of his Majesties most honourable privy councill and principall secretary of state. [Copy.]

Mr. David Cairnes, the bearer hereof, being appointed by the committee for Irish affaires forthwith to repaire to Londonderry, These are to certifie whome it may concerne, that the said Mr. Cairnes hath for these two months last past attended constantly his Majesty and the councill in behalfe of the said citty, and that he hath behaved himselfe with prudence, dilligence, and faithfullness. Given at the court at Whitehall this 11th day of March 168⅞. SHREWSBURY.

145. CERTIFICATE that ALEXANDER IRVINE and DANIEL SHIRRARD helped to shut the gates of Londonderry. 20th August 1689. [Copy.]

WEE, whose names are subscribed, doe certifie that Alexander Irwin and Daniell Shirrard of Londonderry, were two of the very first who of themselves appeared there for theire present Majesties intrest, who with soome others of the young

men of that place who joyned them did on the seventh day of December last resolutly seize the keys of the gates of that citty and shutt upp the same suddenly, not onlly against a regiment of Irish Papists then ready to enter in therat, butt against the wills and minds of divers of the considerable Protestants therein, who oppossed them, which had it not been don then, wee belive had never been in the cittys power afterwards to have don, and from thenceforth they continuied as active and forward in defence of the same as possiblie they could during there aboad in that place, they being both officers in the citty's companys, butt withoutt any pay, at there own chairge and expence, as wittness our hands this 20th day of August 1689.

GEORGE PHILIPS.

DAVID CAIRNES.

146. OATH taken by GEORGE, LORD MELVILLE, as Secretary of State. 23rd September 1689.

AT Hamptoncourt the tuentieth third day of September one thousand six hundered and eightie nine years.

Rege Presente.

The whilk day compeared George, Lord Melvill, their Majesties sole secretary of state and one of the lords of the privy councell for the kingdome of Scotland, and in the presence of the kings most excellent Majestie did solemnely swear the oath of allegiance required by the act of parliament to be taken by all persons in publick trust, which his Majestie ordained to be recorded in the books of privy councell, whereof the tenor followes:

I, George, Lord Melvill, secretarie of state, do sincerelie promise and swear that I will be faithfull and bear true allegiance to their Majesties King William and Queen Mary, so help me God.

MELVILL.

Witnesses present,—Lord President of the Session and Lord Advocate.

Ja. Dalrymple, witnes.

Jo. Dalrymple, witnes.

147. OATH taken by GEORGE, LORD MELVILLE, as Secretary of State, and SIR JAMES DALRYMPLE, President of the College of Justice. 23d September 1689.

AT Hamptoncourt, the tuentie third day of September, one thousand six hundred and eightie nine years, in presence of the kings most excellent Majesty, appeared George, Lord Melvill, his Majesties sole secretary of state for the kingdom of

Scotland, and one of his Majestys privy councell of that kingdom, and Sir James Dalrymple of Stair, president of the colledge of justice, and one of the said privy councell, and did suear the oath of alledgiance required by act of parliament to be taken by all in publick trust, which his Majesty ordained to be recorded in books of privy councell and books of sederunt, whereof the tenor follows.

We, George, Lord Melvill, secretary of state, and Sir James Dalrymple of Stair, president of the college of justice, do solemnlie promise and swear that we will be faithfull, and bear true alledgance to their Majesties King William and Queen Mary, so help us God.

MELVILL.
JA. DALRYMPLE.

148. INFORMATION as to the garrison of Tarbat Castle. 1689.

MY Lord Strathnavers companies who lay at Tayne and Cromerty upon the 13th of October last, beeing all called to Balnagown because of ane allarum the laird gote of the descent of the Highlanders to plunder the countrey, the three companies who came from Tayne, and one company from Cromerty stayed in the parishes of Kilmuire and Loggie untill the 15th day, most of all laying on my Lord Tarbats lands; the 15th day beeing a stormy day of wind and raine, and Wishart, major to the Lord Strathnavers regiment, beeing quartered with Balnagown; they two adwised that three of the companies should goe and possess themselves of Castle Tarbat, the other companie beeing guarding the house of Balnagown. They did come to the doores and broke up the dore of the entry that goes the steps of the stare, and because it did not readily yeeld, the bolt of the lock beeing bowed, they cutt out as much of the dore as the lock was fixed to, and so entered, they broke up all the rest of the doores of the house, and made the upper dyning roome and the drawing roome there where the best furnitor wes there slaughter roomes, abused the haill hangings, which were of arras, and because the grates which were in the chimneyes were too litle for dressing of their provisions they sett the fyres upon the marbles led before the chimneyes, and the heate of the great fyres rent the marble to peeces, the hangings all besmeared with blood, and the haill roomes where they hade fyres, are all blacked with the smoak, so that the plaistering in the beast roomes are as if in murning, much of the glass in the windowes all broke, and some few trunks broke up, but litle mist as taken away, at least yet known, because Lady Bettie and her maide wer at Invernes, and none of them come to Tarbat since. None of the office houses troubled, but many of the tennents leused, they haveing taken

there wadders and meall, and none of Balnagowns troubled. They stayed there foure dayes and fyve nights, untill the master of Tarbat was advertised, and he acquanted Sir James Leslie, who immediatly sent ordours to Major Wishart to remove from Castle Tarbat. But dureing there abode in the parish of Kilmuire there were sextie men quartered on Duncan Forbes, 30 on John Patersone, and the rest in Miltoun and Meddat. The souldiers drew the cornes out of the stacks for strae to ther beds, and none payed for what they gote save few of the officers.

The haill locks of the doores were broke. This allarum proved false and groundles, and many afterwards.

Indorsed: Information of Tarbot garrison, 1689.

149. PETITION by JAMES MURE of Ballybregah to KING WILLIAM THE THIRD. [1689.]

To the kings most excellent Maiestie, the humble petition of James Mure of Ballybregah in the county of Downe and kingdom of Ireland, Esquire,

Most humbly sheweth,—That your petitioner haveing occasion to leave that kingdom some time before the Ireish army came down into Vlster, and hearing of their cruelties against the Protestants, and how they were broken and dispers'd and ruinated by them in the county of Downe, and your petitioner's wife and children (to his utter ruen) were forced to fly from his estate and all his concerns, and to retire for the safety of their lives into the kingdom of Scotland, where your petitioner did procure the number of fifty men and horse in order to fight against the said Papists: and that he and his said men are now ready and most willing to serue your Majestie in defence of the Protestant interrest in any place where your Majestie shall please to command him, and that before your petitioner left what he had in Ireland, offered upon your Majesties coming to London to have raised a troope of horse at his own proper cost and charges (which by his petition to your Majestie did more at large appeare); but the regiment being broken, he prosecuted it no further.

May it therfore please your Majestie to take into your serious consideration your petitioners great loss and his famillyes ruen, and to bee graciously pleasd to grant him your Majesties commission to make his said men an actuall troop under his command, to be annexed to that regiment of dragoons offered to bee raised by the Lord Cardross. And that the same may be put into the muster rouls to receive pay from the time they shall appeare full and compleat. Which, tenderly considered, your petitioner, as in humble duty bound, shall ever pray, etc.

150. MEMORIAL of the IRISH PRESBYTERIAN MINISTERS to GEORGE, LORD MELVILLE. 1689. [Copy.]

MEMORIAL for my Lord Melvil, secretary of state for the kingdom of Scotland.[1]

Whereas it hath been thought that our petition to his Majestie is not as yet so seasonable, his lordship may be pleased to consider that this is the most seasonable juncture wherein the king can evidence his royall bounty to the ministers of our persuasion in Ulster.

First, at this time all our ministers in Irland and Scotland are destitut of any meanes of subsistence. These in Scotland (being a far greater number) have not so much as to transport themselves with their families to Irland, and there to setle, except they get some help, and therefor wee pray for that share of the publick collection, if the king think fitt, or what other way may seem proper to his Majesty.

Nixt, that country of Ulster being now, as wee hear, freed from Irishes, so as ministers may safely return to their places, yet the country being wholly impoverished, no probable way can be expected for ministers till it please God the country be more planted by return of the people, and withall they themselves in more capacity to subsist, which cannot be supposed will be for some considerable time; and therefore it is wee petition the king for some small allowance to each minister for a time (they being in number about nyntie), which we humbly suppose may be granted (if his Majesty in his wisdom so judge) out of the estates of the rebells of Ulster, which shall there fall into his Majesties hands, or any other way his Majesty best pleases.

Indorsed: Memoreall for the Irish minesters of the Presbiterian perswasione. 1689.

151. COMMISSION to GEORGE, LORD MELVILLE, as Secretary of State for Scotland. 22d February 1690.

GULIELMUS et Maria Dei gratia Magnae Britanniae, Franciae et Hiberniae rex et regina, fideique defensores, omnibus probis hominibus suis ad quos praesentes literae pervenerint, salutem: Quandoquidem nos regio nostro animo perpendentes quod diversis magni momenti rationibus praeviis nos moventibus diploma et commissionem sub magno sigillo hujus antiqui regni nostri Scotiae, expediendam ordinavimus in favorem Georgii, domini Melvill, principalis et solius status nostri

[1] This heading has been deleted.

secretarii, virtute warranti cujusdam regia nostra manu muniti apud aulam nostram de Hampton Court decimo tercio mensis Maii ultimo elapsi; per quamquidem commissionem nominavimus, fecimus, constituimus ac ordinavimus eundem Georgium, dominum Melvill, principalem et solum status nostri secretarium pro dicto hoc nostro Scotiae regno (durante nostro bene placito, atque usque dum eadem nostra commissio scripto revocaretur), ac tenore ejusdem dedimus et concessimus illi praedictum munus et officium cum omnibus feodis, libertatibus, casualitatibus, praerogativis, proficuis, privilegiis, dignitatibus et immunitatibus quibuscunque eo attinentibus, cum plenaria eidem potestate munere et officio praedicto fruendi, gaudendi et exercendi, speciatim vero donationes warranta et signaturas omnes cujuscunque naturae regia nostra manu muniendas scribendi, nobisque offerendi ac breviaria earundem subscribendi et omnia feoda, emolumenta et casualitates eo spectantes recipiendi ac colligendi ac etiam recipiendi et conservandi omnia dicti regni nostri signeta omniaque emolumenta et proficua inde provenientia ad proprium suum usum et commodum applicandi; atque etiam deputatos et custodes dictorum nostrorum signetorum constituendi, atque clericos et scribas signeto nostro cum omnibus vicecomitatuum et pacis clericis in dicto nostro regno admittendi et recipiendi, atque commissiones iis desuper tradendi pro fruitione dictorum suorum officiorum (durantibus omnibus dictorum clericorum vitae diebus), idque quoties dicta officia vacare quomodolibet contigerint, atque compositiones et emolumenta ex dictorum clericorum admissione provenientia proprio suo usui applicanda recipiendi: Et generaliter cum potestate praefato Georgio, domino Melvill, omnia et singula dictum officium tangentia faciendi, utendi et exercendi, tam plene, adeo libere et ampliter in omni respectu ac ullus alius principalis et solus secretarius status pro dicto regno in praedicto munere et officio fecit aut fecisse potuerat; virtute cujusquidem warranti praefatus Georgius, dominus Melvill, eodem munere et officio fideliter functus est. Quumque nobis abunde satisfactum sit de integritate, probitate, fidelitate, aliisque eximiis animi dotibus eiusdem Georgii, domini Melvill, unde ad dictum munus et officium in satisfactionem nostram ac subditorum nostrorum commodum obeundum usque quaque idoneus reddatur: Noveritis igitur nos ratificasse, approbasse ac confirmasse, tenoreque praesentium ratificare, approbare et confirmare praedicta diploma et commissionem in omnibus suis capitibus, clausulis et articulis, tam plene adeoque ampliter ac si eadem hic verbatim insereretur, quocirca ac cum omnibus ejusdem imperfectionibus et defectibus quibuscunque nos per praesentes dispensamus: Ac de novo damus et concedimus praefato Georgio, domino Melvill, dictum munus et officium principalis et solius status nostri pro dicto regno secretarii (durante nostro duntaxat beneplacito) cum omnibus feodis, libertatibus,

casualitatibus, praerogativis, proficuis, privilegiis, dignitatibus et immunitatibus quibuscunque eo spectantibus; cum plenaria eidem potestate praedicto munere et officio fruendi, gaudendi et exercendi; speciatim vero donationes, warranta et signaturas omnes cujuscunque naturae, regia nostra manu muniendas, scribendi nobisque offerendi ac breviaria earundem subscribendi; ac omnia feoda, emolumenta, et casualitates eo spectantes recipiendi et colligendi ac etiam recipiendi et conservandi omnia dicti regni nostri signeta omniaque emolumenta et proficua exinde provenientia in proprium suum usum et commodum applicandi; atque etiam deputatos et custodes dictorum nostrorum signetorum constituendi atque clericos et scribas signeto nostro cum omnibus vicecomitatuum et pacis clericis in dicto nostro regno admittendi et recipiendi atque commissiones iis desuper tradendi pro fruitione dictorum suorum officiorum, durantibus omnibus dictorum clericorum vitae diebus, idque quoties dicta officia vacare contigerint, et compositiones et emolumenta ex dictorum clericorum admissione provenientia proprio suo usui applicanda recipiendi; et generaliter cum potestate praefato Georgio, domino Melvill, omnia et singula dictum officium tangentia faciendi, utendi et exercendi, tam plene adeoque libere et ampliter in omni respectu ac ullus alius principalis et solus secretarius status pro dicto regno in predicto munere et officio fecit aut fecisse potuerat: In cujus rei testimonium praesentibus magnum sigillum nostrum appendi mandavimus, apud aulam nostram de Kensingtoune, vigesimo secundo die mensis Februarii anno Domini millesimo sexcentesimo nonagesimo et anno regni nostri primo.

Per signaturam manu supremi domini nostri regis suprascriptam.

Written to the great seale, and registrat the tenth day of Apryle 1690.

WILL. KERR.

Sealed att Edinburgh the twelth off Appryll. A^R^ INGLIS.

152. COMMISSION to GEORGE, LORD MELVILLE, as Royal Commissioner to the Scottish Parliament. 26th February 1690.

GULIELMUS et Maria Dei gratia magnae Britaniae, Franciae et Hiberniae rex et regina, fideique defensores, omnibus probis hominibus ad quos praesentes literae nostrae pervenerint, salutem: Quandoquidem nos magni momenti rationibus servitio nostro et subditorum nostrorum commodo maxime contribuentibus moti, trium hujus antiqui nostri regni ordinum comitia die ad quem novissime erant prorogata, nimirum decimo octavo die mensis Martii proxime allabentis conventura statuimus, ac quia nos (rebus haud exigui momenti in regno nostro Angliae avocantibus) iisdem interesse nequimus, ideoque eminentissimo cuidam et illus-

trissimi ordinis probatae fidei meritis praeclaris ac perpulchris animi dotibus imbuto, sacras nostras personas et authoritatem in sequenti secunda dictorum comitiorum sessione representandi jus et potestatem committere decrevimus, cumque saepesepius compertum habeamus fidelitatem summam praeclaras animi dotes et fidem egregiam fidelissimi et delectissimi nostri consiliarii Georgii, Domini Melvill, solius nostri status secretarii pro dicto nostro regno, nosque adeo de perpulchris animi dotibus ejusdem Georgii, Domini Melvill, quibus ad tantae fiduciae munus obeundum ac pia et regia nostra proposita propaganda in promovendo tam commodo et interesse antiquioris hujus nostri regni et in ecclesia et in statu publico quam servicio et jure nostro proprio vsque quaque est imbutus abunde persuasi et satisfacti: Noveritis igitur nos dedisse et concessisse tenoreque praesentium dare et concedere praenominato fidelissimo et dilectissimo nostro consiliario Georgio, Domino Melvill, personam et sacram nostram majestatem in subsequenti hac sessioni secunda comitiorum parliamenti antedicti nostri regni representandi et regali nostra authoritate in eadem vbicunque de ecclesia firmanda pace et politia hujus regni conservanda et excolenda et re nostra propaganda aut promovenda tractandum fuerit vtendi et in singulis et vniversis dictorum comitiorum administrationibus tanquam supremo nostro commissionario dijudicandi plenissimam amplissimam et vberrimam potestatem et commissionem; porro tenore praesentium eundem Georgium, dominum Melvill, cum commissionarii nostri titulo regali nostro charactere insignimus plenamque ipsi tribuimus facultatem et potestatem omnia et singula ad imperium et munus commissionarii spectantia tam plene et libere quoad omnes effectus quam quilibet alius ejusdem muneris et characteris ex quo regnum faelicissime inivimus seu regnantibus quibuscunque illustrissimorum nostrorum decessorum vnquam fecerat seu facere potuerat faciendi, agendi, peragendi: quaequidem omnia et singula in dicta hac commissione prosequenda ab ipso facienda nos firma et rata habemus et habituri sumus: Omnibus et singulis insuper status nostri officialibus iisque qui nobis ab intimis consiliis, judicibus caeterisque quibuscunque subditis nostris, legatis praecipue et tribunis nostrarum in hoc regno copiarum, vt praedictum Georgium, dominum Melvill, tanquam supremum nostrum commissionarium sacras nostras personas representantem et regalem nostram authoritatem gerentem ad effectum et secundum normam in hac nostra commissione praescriptam (quaequidem commissio a die ipsius decessus a regia nostra praesentia inclusive inchoanda et durante sequenti dictorum comitiorum parliamenti sessione secunda et vsque dum per nos revocabitur in vigore est permansura) agnoscant, colant et dicto ipsius audientes se praebeant stricte mandamus et imperamus: Declaramus itidem hanc nostram commissionem diplomati et commissioni dicti Georgii, domini Melvill, de officio principalis et solius status

secretarii pro dicto nostro regno aut cuilibet alii diplomati et commissioni de quovis alio munere et officio nobis ipsi concredito nequaquam derogare aut fraudi esse, sed eadem duranti hac nostra commissione et etiam post ipsius expirationem in pleno continuare vigore durante nostro bene placito modo in singulis diplomatis et commissionibus sibi concessis contento: In cujus rei testimonium praesentibus magnum sigillum nostrum appendi praecepimus apud aulam nostram de Kensingtoun, vicesimo sexto die mensis Februarii anno Domini supra millesimum sexcentesimum nonagesimo regnique nostri anno primo.

Per signaturam manu supremi domini nostri regis suprascriptam.

Written to the great seale, and registrat the fourteenth day of March 1690.

WILL. KERR.

Sealed att Edinburgh the fyfteinth off March 1690. A^R^ INGLIS.

153. INSTRUCTIONS to the COMMISSIONER. February 1690. [Draft.]

1. YOW are to observe all the instructions given to the last session of parliament, except in so fare as they are altred or innovat either by themselves or by the following instructions.

2. Yow are to pass an act anent the comittees of parliament allowing them either to choyse a grand comittee for all busines proposed in parliament, or lesser comittees for particular affairs, as they shall think fitt; the saids comittees allwise consisting of equall numbers out of every estate chosen respective be itselff, which comittees so chosen shall containow for longer or shorter time as they please, our officers of state, or others to be appointed by us or our commissioner, being allwise present and supernumerarie in these committees, providing that they doe not exceed the pairt of the whole comittee in which they are.

3. Yow are to pass an act establishing church government, redressing the second article of the grievances, conforme to the fourth article of the first instructions given the last session of parliament, reserving allwise our power and authority legallie established before the act of parliament 1669.

4. Yow are to pass an act for choising five out of every estate with lawiers, making in haill tuentie on persons, who, or their quorum, which is to consist of thretteen, wherof three out of every estate, and four lawiers shall have power to examine the lawes, whither established by acts of parliament, long custome, or recent practices, and out of the whole to compile a bodie of law which may be ratefied by act of parliament, to be a standing law for that our ancient kingdome in all time comeing.

5. Yow are to pass an act for a competent allowance to these contained in

the forsaid comission, at least to the lawiers and others of the barrons and burrows that are not able to attend on this affair without considerable prejudice to their privat intrests; and it shall be declared that that work of compiling a body of law shall be brought to a finall conclusion betuixt the date hereof and the day of 169 years.

6. Yow are to pass an act for choising a comittee out of the three estates, being five out of every estate, with to be named by us, who shall have power to regulat abuses in the comissariot and other inferior courts, and shall sett down rates to be taken by the clerks and other members of courts in time comeing.

7. Yow are to pass an act regulating the nomination and appointment of the lords of session, that in caice of a partiall vaicancie, the persons to be named by us and our successors shall be admitted by the remanent lords, they being found qualefied, conform to the acts of parliament; and in caice of a totall vaicancie the parliament shall name fourtie four persons, to whom we and our successors shall adde on, making in haill fourtie five persons, out of which we shall name and appoint 15, who shall be the ordinar lords of session, and that the said 15 so nominat shall give in a list to us of five, whereof we shall name on to be constant president.

8. Yow shall pass an act for nominating commissioners for plantation of kirks and valuation of tyndes in the usuall form, allowing of what alteration shall be thought fitt, with this express provision that the said comittee shall have power to deligat some comittees, who shall meet with the ministers of the severall presbetries and heretors concerned where there is a necessity for building of new kirks, to treat and comune with them anent the most convenient places for building of the saids churches, and to consult and advise upon the most propper methods either for erecting of new kirks or transplanting old ones and providing them with competent stipends, and helping highwayes for the parichoners accommodation, that the whole kingdom may be provided with such a competent number of churches that the parichoners may conveniently hear divyne service every Sabbath day, both summer and winter.

9. That the forsaid comittee, with their sub-comittees, have power also to take into their consideration the building of schools and modefieing of sellaries for schoolmaisters through the whole kingdom, with this provision, that burghs royall and other great tounes have greater sellaries allocat for schoolmaisters, that able men may be encouraged to take them to that employment.

10. That there be a comittee appointed for visiting universeties, who shall have power, as former comissioners have hade, for rectefeing abuses, with this

addition, that after they have considered the fundamentall constitutions of the severall universeties, they may make such alterations as to the method of teaching, the number of professors, sellaries to maisters, as shall be thought necessar and convenient. That in an or other of the said universetys may be professors of all the liberal airts and schiences, sua that students may attain to the knowledge both of law and physick and the mathematicks, without being necessitat to goe abroad.

11. Yow are to pass an act for nominating a comittee, who are to consider the advantage of trade, the privilege of the royall burrows, burghs of regality, and barronies, who may adjust the difference betuixt them, sua that the burghs of regality and barronie may enjoy all their former priviledges, the actuall trafequing merchants duelling therein bearing a proportionall pairt of cesses and subsidies effeirand to their trade which may be applyed for relieving the burghs royall of a pairt of their sixt pairt; declaring allwise, no merchants duelling in burghs of regality and barronie shall be stented for their houses and lands any other way then formerly.

12. Yow are to pass an act for regulating cess and subsedies payable out of the land rent, that the samyne may be effeirand to every man's real rent, deduceing allwise all real burdens affecting the ground, and granting an abatement to those that have planted their ground with trees, conforme to former lawes, in so far as the samyn is planted allennerly.

13. Yow are to pass an act for a revaluation of the severall lands of the kingdom, and the valuation may be either according to the constant reall rent or the present quotta, with this provision, that every man have the like abatement and ease through the whole kingdom, providing allwise that some respect be hade to the Highland grounds whose rentall is variable, and they subject to great loss therfor, should be valeued within the worth, or have a greater abatement then others of the like rentall.

154. Patent to George, Lord Melville of the title of Earl of Melville. 8th April 1690.

Gulielmus et Maria Dei gratia Magnae Britanniae, Franciae et Hiberniae Rex et Regina, fideique defensores, omnibus probis hominibus suis ad quos praesentes literae pervenerint, salutem: Quandoquidem nos grato admodum animo recolentes magna illa et fida ministeria per fidissimum et dilectissimum nostrum consiliarium, Georgium dominum Melvill, supremum nostrum pro antiquo nostro regno Scotiae commissionarium, et principalem et solum pro eodem regno status secretarium, praestita, ejusque firmam et insignem religioni reformatae adhaesionem,

constantem etiam suam erga augustissimam familiam Regiam periculosissimis etiam temporibus fidelitatem, speciatim vero perplurima grata admodum officia, tum ante tum post faelicissimam nostram Regiae dignitati accessionem ab ipso nobis peracta et expressa: ob praedictas, itaque, et multas alias res et rationes satis momentosas, durabilem quandam Regiae nostrae gratiae et favoris tesseram in eundem dominum Melvill ejusque familiam conferre apud nos benigne statuentes, ut ipsi ulterius animentur, et validiores in posterum reddantur singulis occasionibus nobis et serenissimis nostris successoribus officia magis insignia praestare: Noveritis igitur nos nominasse, fecisse, constituisse et creasse, sicut et per praesentes hosce nostros patentes libellos nominamus, facimus, constituimus et creamus eundem Georgium dominum Melvill comitem, vicecomitem, et liberum parliamenti dominum, comitem de Melvill, vicecomitem de Kirkaldie, dominum Raith, Monymail et Balwearie, in dicto nostro regno Scotiae designandum et appellandum: Damus porro, concedimus et conferimus in dictum Georgium dominum Melvill et haeredes masculos de ejus corpore inperpetuum, antedictum titulum, dignitatem, gradum et honorem comitis, vicecomitis, et liberi domini parliamenti, ut praedicitur; cum plena admodum potestate illi ejusque antedictis eodem fruendi et gaudendi; cum vniversis et singulis praerogativis, praecedentiis, praeeminentiis, privilegiis, libertatibus et immunitatibus quibuscunque, eo attinentibus et spectantibus; quibuscum dictum Georgium dominum Melvill, ejusque praedictos, nobilitamus et investimus; speciatim vero cum libero in parliamento suffragio: Tenendum et habendum antedictum titulum, dignitatem, gradum et honorem comitis, vicecomitis, et liberi parliamenti domini, cum vniversis et singulis praerogativis, praecedentiis, praeeminentiis, privilegiis, libertatibus, immunitatibus, aliisque quibuscunque eo spectantibus, per dictum Georgium dominum Melvill ejusque antedictos, de nobis nostrisque serenissimis successoribus, in omnibus parliamentis, ordinum conventibus, consiliis generalibus, omnibusque aliis publicis et privatis ejusdem regni congressibus, tam plenarie adeoque libere in omnibus respectibus et conditionibus quam quivis alius comes, vicecomes, et liber parliamenti dominus tali titulo, honore, dignitate et gradu, quovis tempore praeterito, praesenti aut futuro potitus et gavisus est, seu frui et gaudere poterit: Leoni porro armorum Regi, suisque fratribus faecialibus mandamus ut praefato Georgio domino Melvill (nunc comiti de Melvill) talia insigniis suis gentilitiis additamenta qualia ipsi illisque congrua et similibus casibus usitata videbuntur, dent et praescribant: Ordinamus denique et declaramus hasce nostras patentes literas sub magno nostro sigillo, adeo validas et sufficientes fore illi ejusque praedictis pro possidendo dicto titulo, dignitate, gradu et honore comitis, vicecomitis, et liberi parliamenti domini, ut praedicitur, cum omnibus privilegiis aliisque quibuscunque

eo spectantibus, ac si ipse ejusque praedicti cum omnibus ritibus et ceremoniis similibus occasionibus perprius usitatis investiti et inaugurati fuissent: Quocirca nos, pro nobis nostrisque successoribus dispensamus in perpetuum. In cujus rei testimonium praesentibus magnum sigillum nostrum appendi mandavimus, apud aulam nostram de Kensingtoune, octavo die mensis Aprilis, anno Domini millesimo sexcentesimo nonagesimo, et anno regni nostri primo.

Per signaturam manu supremi domini nostri Regis suprascriptam.

Dorso: Written to the great seale, and registrat the fourteinth day of Apryle 1690. WILL. KERR.

Sealed att Edinburgh the fourteinth off Apryll 1690. A^R^ INGLIS.

[Great seal appended entire.]

155. INSTRUCTIONS by COLONEL CANNON to his Messengers to KING JAMES THE SEVENTH. *Ante* 1st May 1690.

"Instructions for the Laird of Achteraw and Captain John Widdringtoun to the King."

1^o^. To represent to the king the necessity for sending over his grace, the Duke of Berwick, with a considerable force of horse and foott with all possible diligence, and that if his grace does not come very speedylie, his Majesties interest in Scotland must certainly suffer extremely by it; and if possible his grace can be here in a short tyme with four thousand foott and two thousand horse and dragoons. It is my humble opinion (as the nobility and gentry stand now presently affected) that not only we shall be able to beatt all his Majesties enemies in Scotland, butt likewayes give a great diversione to England; ther will also be a necessity for his grace, when he comes over, to bring provisions with him for some tyme for both horse and foott.

2^o^. To acquaint his Majestie with the present miserable condition of the officers which came alongst with me, having now no more money nor credite, and lost all their equipage, are incapable of putting themselves in a capacity of serving his Majestie, unles some supply be immediatly sent over to them, conform to their severall qualities.

3^o^. To desire his [Majestie] may be pleased to send over some blank commissions for regiments, ther being severall persones of worth here whom his Majestie has not been informed of, who are both capable and willing to raise regiments if commissions were given them.

4°. To press his Majestie that one of yow be sent back to us with his commands with all possible speed, it being a very great incouradgement to the clanns, and others his Majesties good subjects, to hear often from him; and that the litle vessell which transports yow may be ordered to stay here, that we may be able to give his Majestie ane account of any thing of moment that shall fall out in this place.

5°. That his Majestie would be pleased to send a commission for a councill to be holden upon all occasions, and that since ther is not here so many of his Majesties ancient councill as to make up a corum, that his Majestie will be pleased to nominat so many of his subjects now in armes for him as to make up the same.

6°. To send a commission of justitiary to suppres robberies and depredations which are frequently committed, to the prejudice of his Majesties interest.

7°. To send over ane order to press all lukewarm and trimming persons either to declare for his Majestie or be treated as enemies in caice they decline.

8°. In regaird my Lord Dundie and the chiftains of clanns were the last year att great expenses during the tyme of their randivous, vntill such tyme as those chiftains of clanns which were furdest off could joyn them att the place of randivous, and now are not in a capacity to doe the same, therfor they begg of his Majestie that he would be pleased to consider it, and send over either money or provisions sufficient for the subsistence of their men during that tyme.

ALL. CANAN.

The names of the Officers of State under the Privy Seall.

The Duke of Hamilton.
The Earle of Sutherland.
The Earle of Argyle.

Upon the Treasurie.

The Earle of Crautuird.
The Earle of Cassills.
The Earle of Tueddall.
The Lord Ruthen.
The Master of Meilvill.

Upon the Register.

The Lord Bellhaven.
The Master of Burley.
The Laird of Leyes.
The Lady Geriswood for a 4ᵗ part.

Upon the Privy Seall.
The Earle of Forfare.
The Earle of Kintore.
The Lord Carmichaell.

The Earle of Lothian, justice generall.
The Master of Melvill, treasurer depute.
The Laird of Seamuck, justice clerk.

Indorsed: Instructions for Captain John Widdrington and the Laird of Acteraw to the king.

156. REPRESENTATION by the PARLIAMENT OF SCOTLAND to KING WILLIAM THE THIRD. September 1690.

To the King's Most Excellent Majestie, the humble representation of the Lords and Commissioners of shires and burrowes of the kingdom of Scotland, undersubscrivers, members of this current parliament, now adjourned till the eighth of October next.

Nothing, save the great and generall surprise of this long distressed and at present unsetled kingdom upon the late adjournment of your most loyall parliament for so long a time, and in so criticall a season, with the deep concern of your royall interest therin, would possibly have induced us to this so necessar a petition. Bot the visible consternation and discouragement of thousands of your good subjects delayed in the reliefe and comfort which at this time they assuredly expected, with the advantages that we apprehend your Majesties enemies, both within and without the kingdom, may think to reap by such ane interruption, being our only motives, we cannot, we dare not be silent. And therfore, to prevent these evill consequences, we, in the first place, most solemnly protest and declare, in the presence of God and men, our constant and inviolable fidelitie and adherence to your Majesties royall title, right and interest, so frankly and chearfully recognosced by us in this current parliament, wishing and praying for nothing more under the sun then your long and prosperous reign, as that wherin the securitie of all our lives and liberties, and also of our holy religion, more dear to us then both, is infallibly included. It was the perswasion we had of the justice as well as the necessitie of your Majesties heroick undertaking for the deliverie of these kingdomes, with the conviction of the Divine confirmation that appeared in its glorious success, that moved most, if not all of us to endeavour and concurr most heartily in the late meeting of the estates for the advancement and establishment

of your Majestie upon the thron, when some discovered their disaffection, and wer too open retarders and obstructers of that good design. And it is from the same true affection and zeale that we do now most heartily make the above mentioned protestation to obviat all the misconstructions your enemies may make in this juncture. Nor are we less assured of your Majesties most sincere and gracious intentions to performe for us to the utmost all that the estates of the kingdom have either demanded or represented as necessary and expedient for securing the Protestant religion, restoring their lawes and liberties, and redressing of their grievances according to your Majesties declaration for this kingdom. Neither can it be imagined that so wise and just a king as your Majestie is will ever be perswaded that so loyall a parliament as this is can be induced either to wish or design any prejudice to or diminution of your true interest and prerogative; bot such as have slavishly served and flattered arbitrary power and tyrrany will be alwayes studying for their own sinistrous ends, to state a separat interest betuixt king and people, a practice which we are confident your Majestie abhorres. Bot that we may clear ourselves upon this present occasion to your Majesties full satisfaction, and refuting of all misrepresentations we can incurr on any hand, we shall briefly rehearse to your Majestie the votes past in this present parliament to which the royall assent is not given, with such short reflections as we hope may tend to the better vindication of all concerned. The first act upon which the vote of parliament hath passed is that declaring the priviledge of the estates of parliament to nominat and appoint committees as they shall think fit, and excluding therfrom the officers of state, unles they be chosen, and omitting what the parliament hath already represented to your Majestie as reasons of their vote. It is humbly conceived that this act is exactly framed to the extent of that grievance, which, together with the rest, is desired in the instrument of government to be redressed unto us in parliament. The second was ane act abrogating the act of parliament 1669, asserting the kings supremacie over all persones, and in all causes ecclesiasticall; and this act is so exactly conforme to the second article of the above mentioned grievances, and the forsaid act of supremacie in itself is so dangerous to the Protestant religion, as well as inconsistent with the establishment of any church government, that we doubt not your Majestie will ever approve all that voted to it. The third is ane act anent persones not to be imployed in publick trust; and all the ruines and distresses of this kingdom have so certainly flowed from the persones therin noted, especially such as by their contriving of and concurring in the dispensing power have therby eminently endangered our religion, and overturned all the fences of our libertie and propertie (which we have good ground to believe the parliament would have extended but to few persones); and

your Majestie in your declaration hath so justly charged the same upon evill and wicked counsellors (the only persones pointed at in this act), that we are perswaded that you will find it absolutly necessar for attaining all the ends of your Majesties glorious undertaking for our reliefe. The fourth is ane act concerning the nomination of the ordinary lords of session, and the election of the president, to witt, that in a totall vacation they be tried and admitted or rejected by parliament; and in a particular vacation they be tryed and admitted or rejected by the other lords; and that the president be chosen by the lords themselves, conforme to our old practique and express statute. And this act is so agreeable to practique, lawes, and acts of parliament, and so necessary for the true and equall administration of justice (the great securitie of all kingdoms), that your Majestie will unquestionably approve it. The fifth and last is ane act ordaining the presbyterian ministers yet alive who wer thrust out since the first of January 1661 for not conforming to prelacie, and not complying with the courses of the times, to be restored. And this act is in itself so just, and so consequentiall from the clame of right, and agreeable to your Majesties declaration, that less in common equity could not be done. And here your Majestie may be pleased to consider, that though prelacie be now by law abolished, yet these few ministers, not exceeding sixtie (though restored, as they are not for want of the royall assent to the forsaid act), would be all the presbyterian ministers legally established and provided for in Scotland. It is not unknown to your Majestie what have bene the sad confusions and disorders of this distressed countrey under prelacie, and for want of its ancient presbyterian government. And now the whole west and many other parts of Scotland are at present desolate and destitute, having only ministers called by the people upon the late libertie, without any benefice or living or convenient place to preach in. It is also certaine that there are many hundreds of forfaulted and fyned persones and others who are yet waiting to be restored and refounded according to the clame of right and your Majesties gracious instruction theranent. It is true the last thing proposed by your Majesties commissioner in parliament was a supply of money for maintinance of the forces so necessary for our present defence. And we should have proven ourselves ingratefull to your Majestie, and false to our own interest and securitie, if we had absolutly refused it. Bot there being a sufficient and certaine fond to maintaine all the forces, and support all other incident charges of the government for some monetha, all that we demanded was that some things visibly necessar for satisfaction of the countrey, and the better enabling and disposing them to pay the said supply, might be first exped. We are confident that the vote of parliament, which was only for a short delay, will not give your Majestie the least ground of offence. And now

having presumed to lay these things before your Majestie with all humble submission, purely out of dutie, for preventing the evill construction of your Majesties enemies, and for our own just vindication, we most humbly beseech your sacred Majestie graciously to consider what is here represented, and in prosecution of your Majesties acceptance of the clame of right and your declaration for this kingdom, to take such course as you in your royall wisedome shall think fit for passing the forsaid acts of parliament, and redressing all our other grievances. And we, your Majesties most humble petitioners and faithfull subjects, shall, as in dutie bound, ever pray for your long and prosperous reign over us.

SOUTHERLAND.	MORTON.	ANNANDALE.	ARGYLL.
ARBUTHNOTT.	BARGANY.	ROSSE.	ROLLO.
FORRESTER.	RUTHERFURD.	TORPHICHEN.	

S. J. HOUSTOUNE of yt. ilk, for the shire off Stirling.
S. D. CARMICHELL of Melslie, for Lanerkshyre.
S. WILLIAME SCOTT of Harden, for Selkirkshyre.
AD. GORDON of Dolfolly, for Sutherlandshyr.
ANDREW AGNEW, for Wigtone.
THO. STEWART, for Norberuik.
W. BAILLIE of Lamington, for Lanarkshyir.
JON. CAMPBELL off Carrick, for Argyllshyr.
WM. M'DOWALL, for Wigtoune.
AL. DUFF of Bracco, for Banffshyrre.
JO. GORDON off Embo, for Sutherlandshyre.
S. JA. OGILVIE of Churchil, for Cullen.
SR. WILL. HAMILTON, comissioner for Queensferrie.
J. GORDON of Craiglaw, for Gallaway.
J. MURRAY, for Selkirk.
T. HAMILTONE, for Lanerk.
JOHNE MURE, for Pebles.
ALR. GED, for Bruntyland.
S. JA. JOHNSTOUN, for the shire of Drumfrishe.
W. COCHRAN, Killmoronock, for Renfrew.
S. PATT. SCOTT of Ancrum, for the shire of Roxbrugh.
S. JAMES MONTGOMERIE of Skelmorlie, for the shire of Aire.
S. D. ARNOTT of Arnott, for the shyr of Kinrose.
S. J. MUNRO of Foulis, for the shyre of Ross.
ALEXR. SPITTELL of Leuquhat, for Innerkeathing.
HUGH BROWN, for Inverary.
ROBT. CLEILAND, for Anstruther Wester.
ALEXR. CUNINGHAME, for Irvine.
BRYCE BLAIR, for Annan.
RO. MELVILL, for Couper.
G. GORDON, for Dornoch.
JAMES STEWART, for Elgin.

WA. STEUART, for Banff.
ALEXR. GORDOUN, for Aberdene.
JOHNE ANDERSONE, for Invervri.
Jo. DEMPSTER of Pitliver, for Fyffe.
D. FORBES, for Invernesshyre.
ADAM AINSLIE, for Jedburghe.
C. HAMMILTONE, for Dumbartaneshyre.
WILLIAM COLHOWNE off Craigtown, for the shire of Dwmbartane.
AD. COKBURNE of Ormestoun, for the shire of Hadintoun.
PAT. HUME of Polwart, for Barwickeshire.
THOMAS DRUMMOND of Riccartoune, for Linlithgowshire.
PATRICK MORAY of Livingstoune, for Linlithgowshire.
J. BRODIE of that ilk, for Elginshyre.
AR. COKBURNE of Langton, for Bervicksher.
THO. DUNBAR, ffor Mwrayshyre.
S. JOHN HALL of Dunglas, for Edinburgh.
GEO. STIRLING, for Edenbrugh.
JOHN MOORE, ffor Ayr.
ROBERT SMITH, for Perth.
Jo. EWART, for Kirkcudbright.
WILL. HIGGINS, for Linlithgow.
GEO. SMYTHE, for Pettinweem.
JAMES SMITH, for St. Andrews.
JA. KENNAN, for Drumfres.
DAVID SPENS, for Anstruther Easter.
JOHN BOISUALL, for Kirkcaldie.
Jo. MUDIE, for Montrose.
PATRICK WALLACE, for Kinghorn.
Jo. SCOTT, for Rutherglen.

157. ARTICLES for the surrender of Islandstalker. 9th October 1690.

ARTICLES anent the surrender of the castle of Islandstalker betuixt ane noble Earle, Airchbald, Earle of Argyll, and John Stewart, fiar of Ardscall, as folloueth:

The said John Stewart doeth faithfullie ingaidge and promise to delyver the said house and castle of Islandstalker undismonted or deteriored, with all the great cannons and guns in the said castle unprejudged, to any the said noble Earle shall appoint preceisly upon the tenth day of October instant at eleven acloack in the foirnoone.

Item, the said John Stewart doeth also heirby promise and obleidge him to delyver it to any having the said noble earle his warrand all the boats or birlines, with their furnitur, belonging to him above ane scoutt or four cared boat, and that at the same tyme of delyverie of the said castle abovementioned.

Item, the said John Stewart doeth also obleidge him with all his power to joyne with the said noble earle and be active in reduceing the inhabitants of Glencoan to submitt to the present government who are now in oppositione therto.

And on the uther pairt the said noble earle doeth heirby undertake that the said John Stewart shall not be prejudged by the surrender of the forsaid castle of any clame he hath against the laird of Appine for the expensses made be him for procureing the said house, or keeping of it since, or getting allouance therof in his tutor accompts, bot shall assist the said John Stewart in making the same effectuall to him, and to adjust the samen with any debait ryseing theranent befor the laird of Appine shall be receaved upon his submissione to the present government. Also the said noble earle doeth also promise and ingaidge to represent to the government and interpose for the said John Stewart to gett him fred and liberat of the sex thousand merks Scotts mony resting be him to the Earle of Pearth as a pairt of the pryce of the lands of Glencoan, or to any to whom the samen is by him assigned, and to use his lordships indeavour for effectuating of the samen.

Item, the said noble earle doeth obleidge him to apply his Majestie and the government to procure to the said John Stewart ane free and absolute remissione and indemnitie of lyfe and fortoun upon the accompt of any forfaultor against him for insurrectione against their Majesties government or accession he had therto, and to get the same effectuat and exped to him with all convenient diligence, so as the said John be not troubled upon that accompt either for lyfe or fortoune.

Item, the said noble earle doeth receave in protectione to their Majesties government the said John Stewart, Duncan Stewart of Ardseall, his father, and all these deschended of their familie, both in their persons and goods, they behaving peaceablie and in submissione to the present government, and shall grant to all and each of them particular protectiones so as they shall not be troubled by officers or souldiars of the standing forces, or otheris, in their persones or goods, so long as they continou in submissione deutiefully to their Majesties government as said is; and lastly, the said noble earle shall assist the said John Stewart in getting releiff against or payment from any of the inhabitants of Glencoan of any soumes of mony contained in decreits recovered against him at the instance of the laird of Barbreck, or any uther persones quhatsomever quhairin he is decerned as landlord or master to them so that the said John Stewart may be fred of the trouble of the samen decreits or payment of the soumes therin contained. In testimonie quhairof the forsaids articles of aggreement are subscribed by the said noble earle and John Stewart at Dunolich, the nynth day of October j^{m} vj^{c} and nyntie yeares, befor these witnesses, Sir Duncan Campbell of Auchinbreck, knight barronet, Alexander Campbell of Lochinnell, Airchbald Campbell of Straquhure, Robert Dicksone, tiar of Tourland, one of the captains

in the Earle of Glencairnes regiment, and Sir Colline Campbell of Ardkinglass, knight barronet. Sic subscribitur, Argyll, Jo. Stewart. Da. Campbell of Auchinbreck, witnes, Alexr. Campbell of Lochinell, witness, Rob. Dicksone, witnes, Sr. Colline Campbell of Ardkinglass, witnes.

Indorsed: "Double of the Articles of the surrender of the castle of Ilanstalker. 1690."

158. Petition of Meeting of Presbyterian Ministers. 1690.

To his grace their Majesties high commissioner, and the right honourable the lords of their Majesties privie councill.

The meeting of Presbyterian ministers at present in Edinburgh;

Humblie Shew,—That where your lordships by your former acts of the 12 and 23 dayes of Julie last were pleased upon a representation from us to ordain letters of horning to be direct by delyverance of any of your lordships number upon certificats from presbyteries, in favours of such Presbyterian ministers as in or before the year 1689 did come in the place of former conformists who had either deserted or were removed or deprived in maner specifyed in these acts, and that for the stipend of the said year and crop 1689, and upon production of decreits of localitie, and furder did allow to such ministers who being unfixt have in severall presbytries in the west served particular vacant churches per vices, haveing no other fixed charges, one of the vacand stipends of the said paroches by appointment of the presbytries, deduceing what was payed to these ministers by the people upon voluntarie contribution, as the said acts containing other heads more fully bear: Which acts, albeit very favourable and full, yet according to what is customary in such cases, are found in the particular execution to need your lordships gracious explication in the points following, viz., First, in that letters are ordained to be directed in the cases therein set doun for the crop and year of God 1689, without adding (which no doubt was meaned), and since syne and in tyme comeing: Secondly, in that your lordships obliedge us to the production of decreits of localitie as a necessar ground for the saids letters, whereas we find that through the change of tymes, the abstracting of these decreits, and the loss and disorder of the registers, they are for most part not to be had, so that for not production thereof ministers are frustrat of their necessar mantinance, and most be obleidged to raise and follow long processes to their great charge and distraction, even when the heritors and others lyable in payment are

willing to pay, but only desyre a warrand: And thirdly, that the allowance for unfixt ministers is restricted (which was our fault) to presbytries in the west, and to ministers come from Ireland, whereas we find that the same case and exigence occurrs in severall other parts of the kingdome where ministers and preachers have served by turns, and att tymes without any allowance out of the stipend, tho' then and still vacant. For remedy of which things wee humbly crave that it may please your grace and lordships to declare, first, that in the cases specifyed in the said acts we shall have letters at our instance, not only for the crop and year 1689, but since syn and in tyme comeing dureing our incumbencie; secondly, that where decreits of localitie cannot be had, letters may be direct upon the testificats of presbytries of our entry and admission, at our instance against the heritours and others lyable, and in use to pay without necessity of produceing the saids decreits. Seing that this was not only the priviledge of ministers in all tymes, and is likwise (as wee are inform'd) a case excepted from the late act against generall letters. But also that it can inferr no prejudice since that persons (which certainly will seldom happen) wrongously chargd may easily suspend, and on what terms your lordship shall think fitt to allow; and thirdly, that your lordships wold be pleased to extend the forsaid allowance given to unfixt ministers, to the effect that as the presbytries in any part of the kingdome shall testifie in their favours they may have the same allowance out of stipends vacand as was formerly granted to presbytries in the west, which particulars as wee humblie presume your lordships will find reasonable, so they would greatlie tend to the preventing of needless charges and diversions to us in the work and exercise of our ministrie. Like as we most also crave libertie to add that wee find that in severall places the former conformists have deserted since the said 13 of April 1689, and the people have called and the presbytries planted ministers in their place, and yet the heritors and others lyable in payment of the stipends doe scruple to doe the same because the churches are neither declared vacant by the said act of parliament, nor the conformists deserting (as said is) formally depos'd, and therefore wee doe furder beseech your grace and lordships that seing the parity of the law and reason is the same, it may be declared that where the former conformists have deserted, although since the 13 of April 1689, and their churches are planted and provided as said is, the Presbyterian ministers come in their place may have letters upon testificats of their presbytries testifying the former ministers desertion, and the Presbyterian ministers entry, sicklike as if the desertion had happened before the said 13 of April, conform to the act of parliament and your lordships former act made in this mater. D. WILLIAMSON, mod^{r}.

159. PETITION by ARTHUR UPTON, Esquire, to raise a Regiment of Irishmen in Scotland. *Circa* 1690.

ARTHUR UPTON, Esquire, a gentleman of a very considerable estate in Ireland and numerous family, did, by vertue of his Majesties commission in February last, at his own charge, raise a regiment of foot under his own command, and two troops of hors under the comand of two of his sons, which did faithfully serve his Majestie untill they were broken by the Irish rebells.

The Convention of Estates of Scotland, on consideration of his forwardness and faithfulness in his Majesties service, and of his present circumstances, were pleased to order that he should have a comission to raise a regiment of foot there, and that William Cuningham, Esquire (his son in law), should be his levtennent collonel, as by a certificat under the Earle of Argile and the other commissioners hand may appeare.

He humbly desireth that (if it please his Majestie) he may have a comission to raise a regiment of foot in Scotland of the Irish Protestants there, with an order to some of his Majesties stores for armes, he being not able as formerly to provide them at his own charge, or (if this be not agreeable to his Majesties inclination) that he may have his comission to raise a regiment in Ireland.

Severall other gentlemen (who likewise at their own charge, for his Majesties service raised hors and foot in Ireland, and whome the people there do most affect to follow) are desireous again to serve his Majestie in his army in Ireland, as officers in Mr. Upton's regiment.

Indorsed: Esquire Uptun petitione desiring warrant to raise a regiment of Scots Irishes in Scotland.

160. ARTICLES for the SUSPENSION OF WARFARE in the Highlands. 30th June 1691. [Copy.]

WEE, Major Generall Buchan, Brigadier Sir George Barclay, generall oficers of King James the 7th his forces within the kingdom of Scotland, to testifie our aversione of sheding Christian blood, and that wee designe to appear good Scotsmen, and to wish that this natione may be restored to its wonted and happy peace, doe aggrie and consent to ane forbearance from all acts of hostilitie and depredations to be comited upon the subjects of this natione or of England untill the first day of October nixt, providing that ther be no acts of hostilitie or depre-

dations comited upon any of the kings subjects who have bein or are ingadged in his service under our command, ether by sea or land, we haveing given all necessarie orders to such as are under our command to forbear all acts of hostilitie by sea or land untill the forsaid tyme. Subscribit at Achallader the 30th of June 1691.

Wheras the chiftans of clans have given bonds not to comitt acts of hostilitie or depredations befor the first day of October nixt upon the conditions contained in the forsaid bonds, and in regard that the oficers sent by King James to command the saids chiftans have by ane unanimous consent in ther council of war aggried to the said forbearance, therfor I, as haveing warand from King William and Q[u]een Marie to treat with the forsaid Highlanders concerning the peace of the kingdome, doe heirby certifie that the forsaids officers and chiftans have signed ane forbearance of acts of hostilitie and depredations till the first day of October nixt, wherfor it is most necesarie, just, and reasonable that no acts of hostilitie by sea or land or depredations be commited upon the saids officers, or any of ther partie whom they doe command, or upon the chiftans or ther kinsmen, frinds, tennents, or followers, till the forsaid first day of October. Subscribit at Achallader the 30th of June 1691. Sic subscribitur.

BREADALBANE.

Privat Articles.

1°. That if ther be ether ane invasione from abroad, or a raising of his Majesties subjects in Brittane, then this aggreement is null.

2°. If his Majestie doe not approve of the said aggreement it is also null.

3°. And to that purpose ther is a pasport to be granted to two gentelmen to acqwaint the king therwith in all hast.

4to. That if ther forces goe abroad, then we will rise.

5to. That if King William and Queen Marie deny all or any of thes articles, then my Lord Bredalbane is to joyn us with a thousand men, which he promises to perform both on oath and honnour, and thir gennerall articles are besyd the particular soumes of money and other conditions promitted to the severall cheefes.

These sent to King James by Major General Buchan and the clannes are—Livtenant Collonel Charters and Major Duncan Menize, ther erand to crave a speedie releeff or a libertie to capitulat, and doe the best they can for themselffes.

161. SUBMISSION on behalf of the LAIRD OF GLENGARY by RONALD MACDONALD of Aughtera. 30th December 1691.

I, RONALD M'DONALD off Aughtera (being comissionated by the laird off Glengary and the rest off the gentlemen now att Invergary, in behalfe off themselfes and thair freinds and followers), doe propose that if the government shall think fitt to grant a safe passe to Major Generall Buchan and his friends and servants, to the number off ten or twelve, and the like passe to Major Generall Cannon and the same number off his freinds and servants (whom they thinke they are bound in honour not to desert), to passe to any part they think fitt beyond the seas, the said Glengary, with his freinds and followers, will lay doune their armes and submitt to King William and his government; and tho (many off them being Roman Catholickes) [they] thinke not themselves qualified to take the oath prescribed, yet they will give sufficient security for their peaceable deportment in all tyme comeing. This (on the tearmes afforesaid) I promise (as I am intrusted in their behalfes) shall be punctually performed, as witness my hand att Fort William the 30th day off December 1691. RONAILD M'DO[NALD].[1]

162. VINDICATION of his Administration by the EARL OF MELVILLE to the KING, with corrections in Mr. Carstairs' handwriting. [*Circa* 1691.]

YOUR Majesties affairs not haveing allowed an opportunity of giving an account either of my management or my sentiments as to what I conceive concerns your Majesties interest and service, I do in obedience to your Majesties command presume to take this way of doeing my duty for your Majesties satisfaction as to both.

I can say that it was more duty and zeale for your service that prompted me to be concerned in publick affairs than any interest of my oun, and though I shall always retain a dutyful sense of your Majesties goodnes and bounty to me and myne, yet I may be bold to say that they and I have improved them for the best advantage of your Majesties interest, without that regaird to the advancement of ourselves that can make us lyable to any reproofe from your Majesty, or just censure even from our ill willers.

I cannot boast of merit in serving of your Majesty, while all that I could or can doe can not but come short of what I and all true Protestants of these kingdoms doe owe to him who, under God, did deliver us from greatest misery.

[1] This copy of the submission was sent to George, Earl of Melville, in a letter of Colonel Hill, dated 31st December 1691. [Vol. ii. of this work.]

But haveing reason to think that my actions have been misrepresented, I hope it will not be displeasing to your Majesty if I give some short account of my deportement as to any trust I have had the honour of from you.

How much involved publick affairs were when, by your Majesties command, I went doun to the Convention of Estates in Scotland, and with what success, through God's blissing upon my faithfull endeavours, I did extricat them, and ansuere beyond my own expectation the design of youre Majesties instructions in procuring a speedy settlement of the government without those limetations that might be uneasie to you, or a deminution of the lusture of the regall pouer in your royall person, are things that I shall not trouble your Majesty with.

When I had the honour to be sole secretarrie of state to your Majesty for your ancient kingdom all my advices and actings were, according to my capacity, regulated with a respect not so much to the gratefeing of the humor of any party as the laying of such foundations as might give no just ground of complaint to any, but might make all sensible that in a hearty submission to your Majestys government they might expect your protection. Upon this design there was such a nomination of persons to be in the severall judicatories of the nation as was calculatted to what I did then take to be your Majestys true interest, both with a respect to your affairs in England and the takeing away of all pretence of dissafection from your subjects of Scotland; and this will sufficiently appear, if it be considered that by doeing thus I was exposed to the displeasure of not a few of my own persuasion, and did the rather lessen then advance my interest in the kingdom, many of those I then named being persons in whom I had no particular concern, and from whom I have had litle proof either of gratitude or kindenes, having alwise resolved that integrity in your service, and your Majestys favour should be my only support.

If anything was done in the councell or any other judicatory against those that were looked upon as favourers of Episcopacie that looked like violence, it was none of my fault, I haveing laid out myselff in frequent advices to have things caryed with a suteable moderation; but I cannot but say that the noise that haith been made of severity haith been very much beyond what there was ground for.

When I had the honour to be your Majestys comissioner, I found myselff engaged in perplexing circumstances, for some of those that were called the Club had made a strong party both in England and Scotland, covering their black projects with faire pretences suted to the genius of your friends in both kingdoms. While they suggested to the English that your Majesty did design to use an absolute power in the government of Scotland, and that they would have the

same fate when you was once master of your affairs, to their friends in Scotland they did insinuate that the king did not resolve that the Church government should be settled, and that such as were high for the Church of England had got such an ascendent at court that Scots Presbyterians could expect litle countinance.

Haveing by these methodes, and a pretended zeal for such a frame of Presbytery as they knew your Majesty could not grant, imposed upon many of your Majestys friends as well in as out of parliament, they join with the Jacobites, who are by them persuaded to take the oath of alegiance that they might be in a capacity to sitt in parliament, and there disturb your busines, and advance the interest of their late master; and thus their party came to be of a double bottom both in England and Scotland, and a comeing short of success in their projects was lookt upon by them as nixt to impossible. In this posture, sir, were matters when I came into Scotland, and ther only wanted a spark to enflame the kingdome; and I doubt not but if your Majesty had adjurned the parliament once more, these malecontents had involved us in blood and confusion, which, considering hou deep the designe was laid, as haith been found since, might have been attended with fatal consequences.

I finding that the best way to breake the snair which these men had laid was to undeceive such of your Majesty's faithful subjects as had been imposed upon by them, did therefore think it necessarrie for your affairs to give the Presbyterians of Scotland (who are almost the only persons you can rely upon in that kingdom) that satisfaction which might be consistent with your Majestys honour and the present posture of matters in England.

There were, sir, tuo things that your Majesty was particularly concerned should be done in the settlement of church government in Scotland; on was that Episcopall ministers disenting from it might be tolleratted by law; another was that there might be a particular test to be taken by those ministers that were to enjoey benefices, that the excludeing any from that advantage might not be by an arbitrary rule.

Both these I was much concerned to have done to your Majestys satisfaction, and therefore as to the first it is expressly enacted in the statute establishing Presbyterian government, that such as shall be found of a sober life sufficiently qualyfied for the ministry, willing to oune and submitt to the established government of the church, and sound in their principles as to doctrine, of which the Confession of Faith is to be the rule, shall not be troubled.

As to the second thing desired by your Majesty, I found that an express formal act of tolleration would meet with much opposition in the parliament, and there-

fore I was under a necessity of being satisfied with what was equivalent, and did as I conceaved effectually ansuere your Majestys desire, which was the rescinding of all penall lawes whatsoever against Protestant dissenters from the established church government, which lawes having been made with greatest severity against Presbyterians in the former reigns, did now come to be in force against those in whose favours they were made. But that the government might not be at a disadvantage by the rescinding of these lawes and the dissafection of those ministers that were to be tolleratted, therefore it was enacted that no minister putt out for not praying for King William and Queen Mary should be permitted to preach either in churches or meeting-houses until they appear before your Majestys councell and take the oath of allegiance to your Majestys, promising to pray for you, declaring also and subscribing that they own your Majestys as king and queen not only de facto but de jure. By this act, sir, as the government is secured against the bad effects of seditious praying and preaching, so a liberty to worship God in their own way in meetings is secured to the Episcopall clergie upon their complying with the terms above mentioned, which are as easie as possiblie could be in a consistencie with the security of the government.

As to the takeing away of patronages, tho it was frequently and earnestly desired of me by the Presbyterians, yet I did still forbear to do any thing in that matter till the French fleet was upon the English coast, and a dangerous conspiracy against your Majesties government was discovered, and I haveing reason to think that affairs in England were in a dangerous posture, while all packets to me were stopt for some time, did conceive it was for your Majestys service to dismiss the parliament of Scotland with as litle discontent as might be, and to gratifie the Presbyterians in the busines of the patronages in a way that might be least offensive. As to what concerns the settlement of the church government I have done nothing but what your Majesty did impower Duke Hamilton to doe, and the settlement of it upon the foundation of the Act 1592, was what the parliament, being influenced by the Club, would not then listen to, and it is well knowen that Sir James Montgomery did strongly argue against it as confused and contradictorie, and giving the king too much power over church assemblys. Your Majesty also will allow me to put you in minde hou much the members of parliament in the first session were so prepossessed, by the influence of malecontents, with apprehensions of designes as to arbitrary power that they would not hear of settling the church without redressing of all pretended civil grivances, which considerations will, I hope, justefie the integrity and good designe of my management, so that I hope I may say your Majesties parliament was dismissed with greatest contentment to themselves without suffering your Majestys prerogative

to be in the least encroached upon as to the grand aleadged grievance of the session, or permitting your clemency to be bounded by an unlimited incapacitating act, which so much was pleaded for by some.[1] I shall only beg leave to say that I cannot enough admire that those persons should complaine of what was done for the satisfaction of Presbyterians in the settlement of the church, who by their combinations against your Majestys government, conterarie to their alegiance, did make what was done absolutely necessarrie for the saifty of your Majestys interest. As for what concerns other things done in the two last sessions of parliament, I shall not trouble your Majesty with any account of them while they speak for themselves.

As for the busines of Broadalbans treaty with the Highlanders, I shall presume to say that tho both before your Majesty came from Holland and since, before you was putt to so great expense as you have since been putt to, that it was fitt to take off by money some of the cheif of the Highlanders, and that it was your Majestys interest to have as many of the Highland superioritys in your oun hand as could be fairly purchessed, without doeing violence to any particular person, but I must take the boldnes also to say that I did and do think that the obligeing of the heads of the clanns to give good security for the peaceable behaviour of their dependants would have been a surer foundation of peace amongst men who can be tied by no faith, and this was that which the law did allow. I do not see, indeed, any great prejudice to the publick interest by Broadalbans articles, in so fare as they relate to particular persons, nor doe I take upon me to condemn the granting of an indemnity to the Highlanders for their rebellion against your Majestys government, but I durst never have advised the freeing of them from all obligation to make satisfaction for the depredations and robberries comitted by them against your Majestys best subjects, this being the thing which is grievous to your Majestys faithful servants. As for the affronts which some did putt upon me in the management of that and other businesses, tho I could not but be sensible of them ; yet respect to your Majestys service did make me burie in silence my resentments, though I regrated more upon a nationall account than my own.

As to such whom it may be fit to employ, in the management of publick affairs

[1] The grievance of the Session was that when the whole of the judges' seats were vacated by the Revolution, the king nominated the new Bench, while the Parliament claimed the right to appoint them. The point was keenly contested, the President Stair, his son, Sir John Dalrymple, Melville, and others, standing out for the prerogative of the crown. The Parliament at last yielded as mentioned in the text. The unlimited incapacitating Act debarred all persons who had held office under the preceding reigns from being again employed in the government. It passed the Parliament, but happily the Royal assent was refused.

in your kingdom of Scotland, I must confess that I cannot well perceive the necessity of imploying at present any that are jealoused by those that have been all along faithfull to your interest, the ballance being too much already upon that side; and the clamours that have been made of your councill haveing been either groundlesse, or proceeding only from the opposition that was made to the granting of unseasonable favors to such as were known enemies to your interest. Yet seing important reasons, which it were presumption in me to enquire into, doe make your Majesty think it fitt to employ some such, it is my humble opinion that those who are least obnoxious to your people, and have never been active against your government, may be pitched upon. and who I take to be such I shall give my sentiments, without prejudice against any man, whenever your Majesty shall think fitt to putt the question to me.

I did speak to your Majesty of the busines of the roop of the excise at Edenburgh, not out of any particular concern of mine in the parties interested, but because it did seem plainly to me a packt busines for the support of the interest of some particular men, without a suteable regard to that of your Majesty; and because I did conceive it was not reasonable, by an irregular closeing of the roop, to prejudice your good toun of Edenburgh, who have given signall proofs of their loyaltie to your Majesty, and were willing to give more than the other party did which only consisted of tuo or three particular persons.

Thus, sir, I have taken the boldnes to give your Majesty an short but true account of my management, and also to offer my advice as to what I humbly judge may be for your service.

163. WARRANT to DAVID, EARL OF LEVEN, to confer with the EARL OF SEAFORTH for surrendering Island Donald. 26th January 1692.

Edinburgh, the twentie sixth of January j^m^ vj^c^ and nyntie two yeares.—THE lords of ther Majesties privie councill doe heerby recommend to the Earle of Leven and the Lord Ruthven to speek with the Earle of Seaforth that he may deall with Mr. Colline M'Kenzie, his vnckle, to delyver up for ther Majesties service the house of Island Donald, to the possessione quhairof his said vnckle and some of his followers is lately entered, and that in respect this house belonges to the earle himselfe.

Extracted by me, GILB. ELIOT, Cl^s^ Sti. Cons.

164. WARRANT for imprisoning CHARLES, EARL OF HOME, in Edinburgh Castle. 9th June 1692.

Edinburgh, the nynth day of Junij j^m^ vj^c^ and nyntie tuo yeares.—THE lords of their Majesties privy councill doe hereby recomend to Sir Thomas Levingston, commander in cheeff of their Majesties forces in this kingdome, to convey, or cause convey, under a sufficient gward to the castle of Edinburgh, the persone of Charles, Earle of Home, and recomends to the Earle of Leven, governour, and in his absence to the next commanding officer there, to keep the said earle in safe custody within the said castle untill farder order of councill Extracted by me, DA. MONCRIEFF, Cls. Sti. Cons.

165. WARRANT for the COUNTESS OF SEAFORTH to stay with her husband in the castle of Edinburgh.

Edinburgh, the fyfteen day of September j^m^ vj^c^ and nynty tuo yeares.—THE lords of their Majesties privie councell doe hereby give order and warrand to the deputie governour of the castle of Edinburgh, or other commanding officer their, for the tyme, in respect of the Earle of Levine, governour of the said castle his absence, to sufferr and permitt the Countess of Seaforth to have access, remaine, and cohabite with the earle her husband within the said castle dureing his continueing prisoner therein, and to allow the said earle and his lady ane apartement within the said castle, sufficient for accommodateing themselves, and the servants necessarie to attend them. Extracted be me,

DA. MONCRIEFF, Cls. Sti. Cons.

166. OBSERVATIONS on a REPORT by SIR JAMES MONTGOMERY of Skelmorlie, to KING JAMES THE SEVENTH, on the state of political parties. *Circa* 1693.[1]

SKELMURELYS informations when he went to France were favourable enough for King James interest. He had corresponded with many of a long time, and, as informed, he justefied his oun carriage that any confessions he made to M[elville] were nowayes prejudiciall to King James interest, and were not such as people might talk (it was easie to say this, there being no witness), that it was a forced putt, etc., their whole designe being discovered to M[elville] long before, and confessions made by some, and M[elville] had taken great care non should make

[1] These observations are printed from a fair and condensed copy of notes on the report, partly in the handwriting of the first Earl of Melville. Both the notes and fair copy are at Melville.

their escape, and given out warrands for apprehending him amongst others. By this means he did see no way to escape but by comeing in to M[elville] and accknouledging what he allreddie had discovered. And this he did not till he had assurance of saife regress. This he belived to be the saifest course, and thought M[elville], being a man intent upon what he thought the public concern, would pass any privat resentment (though he had given him great provocation), and be easily taken with this discovery, and give him his pass, which he did.

But tho M[elville] doubted allwise his sincerity, yet he thinks he was resolved then to have made a full discovery to the queen, seeing their busines broaken. His reasons are because he told many things he needed not, which were found to be true otherwise, and gave advices good enough, tho disingenious in some things. He also told where his strait lay, least those of the English who were on the plott should keep their interest at court, and so the matter would be stiffled. R[oss] said likewise so, and this M[elville] thinks was the reason why he withdrew when he came to London, and did not goe neer the queen for a good time, nor so frie as he had undertaken, and that R[oss] resiled from what he once said to her, because their correspondents and intimates had persuaded them the matter was so managed as the plott should be stiffled, and not fully enquired into, but that M[elville's] busines should be done at court, who had been but too diligent and successfull, and they would find wayes to gett him misrepresented and accused, in which, if they prevailed, all was secure, and they might goe on with their designe without haizard. In this Mr. F. was very busie, and endeavoured to diswade A[nnandale].

Skelmurely did accuse Melf[ort's] measures and advices,[1] laid the blame of the miscarriages on them, and the delay of the supplies, and gave King James still encouragement enough for carying on the busines, and advised him to follow these measures for Scotland, that in the first place some of the bishops that have been laid aside, of most repute, should be sent for to France, and have the Prince of Wailes putt under their tutorie, the better to remove peoples jealousies, and that there was no haizard in it, for they would neither breed him a Whigg, nor instill in him any mortall heatred to the Church of Rome. This seemd to relish with some of the French ministers, but not then with King James and his queen. Nixt, if that an invasion should be resolved on, no French souldiers should be employed, unless some officers, and some to assist by councill. That for Scotland, as the matter had been managed, it might be caryed without great difficulty, the zeale of King Williams party being much cooled, and discontents still grow-

[1] Marginal note.—"Amongst which the strain of the letter to the convention, and that letter sent from Ireland in ansuer to friends in Scotland contradicting all their councills, quhich discouraged many."

ing, both because of burdens, want of trade, and insolency of the soulderie, etc. That his friends had taken courage, seing themselves secure, and the government, he belived, durst not take any nottice of them unless when some officious and witeless person did give information, which they ordered so that (tho a litle busines might seem to be made in the time) that for the most pairt it is let fall again, which the more wise of the other partie observeing, they have given over informeing or prosecuting any thing of this kinde.

That King James partie were nou for the most pairt in a good understanding amongst themselves, all privat differences being removed.

That most of all the men of greatest interest and pairts favoured his cause, and were readie to show themselves on occasion, and some did better service in owning King William's government then otherwise.

That he himselff knew who had given him assurances, and that they had not appeared openly proceeded from the circumstances of the time, not want of inclination. That his adversaries were no way numerous nou, comparatively to his friends, neither were many among them either of pairts or interest.

That it was not to be questioned but that many of the forces in the country would joyne any who appeared for him when occasion should offer, considering hou they were made up and of whom. That they were nou well quitt of Angus and Levens regiments, whom the country trusted more then all others, and at this time the Whiggs are as much affraied of most of the souldiers amongst them as they would be of so many French.

So that no great opposition was to be expected from any within the country, they wanting a head in whom to concenter, and its rationall to conjecture that M[elville] will not medle much when he may be convinced that he cannot nou doe it to any purpose, and cannot but be convinced of the weaknes and fooly of the pairty, especiallie being in some manner laid aside and not trusted as formerly. Besides there will not be wanting endeavours for getting him and his sones out of their employments, which, if it take effect, may have severall consequences, etc.

The effects of it will be good, for that pairtie will be thereby disobliged and discouraged, and many allreddie upon the aprehension of their dainger and weaknes are courting your friends favour.

That the castles were in no good condition to make any considerable or long resistance, litle care haveing been taken to fortefie or suplie them with sufficient garrisons or provisions, besides what designes might be to surprize them.

That notwithstanding of all this he was not to advise any present impression (for things there were naturallie working for his Majesties service) untill the French king should come to a resolution anent what was fitt to be done. But if

he thought himself in a condition to make any impression in England or Ireland, and all things sufficiently disposed for that, he thought trouble in Scotland would weaken King Williams hands in Flanders, and in that caice it might be saifely adventured upon, for probablie they might carie that kingdom without much opposition in a few weeks, except the castles, which they hoped also to gett easily, for the only thing that might stick with some of estates in the country and hinder them from appearing so early as could be wished was least England should poure doun men upon them. But for ansuer, its a long march, except they be posted on the border beforehand, but this is not probable, and so the kingdom might be caryed before they could come doun. Secondly, its not probable, considering the present conjuncture, and your friends concert in England, that many could be spaired to send doun least those left behinde should find too much work at home. Then if there should be such a partie sent doun as were not able to beat the Scots, it would prove so much the better for your interest by divideing and weakning King Williams forces. And lastly, supposeing the uttmost that could be said, and that the Scots should not be able to make head against them on the border, they could easily retreat to their fastnesses, considering the situation of their country, untill the other were wearied and the country in the meantime opprest, which would still be advantagious for his interest.

That he might now entertain correspondence more saifely then formerly, and he would not want persons whom he might trust saifely to communicat his commands by word to his friends, for there was now no such prying into things as when Mel[ville] was with the king and trusted by him.

The tuo seccretarries will give on ane other work enough to doe for preserving of themselves and getting the ascendent of on ane other, which will chiefly take them up so that both of them for strengthning their own pairtie will be obliged to employ those who are favourable to your interest, and who will be found ready to serve you on occasion.

Its fitt to send home all the Scots who are cited to appear in Scotland except such who are most obnoxious and will not like to adventure, and such who may be usefull to make ane impression when it may be thought fitt, for others can be in no haizard as things are manadged, seeing all that will be required of them is only beal for their living peaceably, which they need not scrouple, for when a comotion shall come baile will not be gott lookt after.

Whenever it shall be resolved to adventure on Scotland less force will suffice then formerly I proposed, for as I told before peoples inclinations are much altered, and some who were enemies before are nou begining to look over their shoulder and would be content to be saiffe, for they see no good end of their present

course, and beginne to apprehend their present settlement cannot stand long, and even those who have made no aplication as yet are become more civil and obliging to your known friends then formerly, which is a good token.

King William cannot now make any great alteration in the government without prejudice to himselff. He will be loath to turn out those of quality, interest, or pairts, least it disoblidge them, neither hes he many of abilities or pairts to employ should he doe otherwise. It was a good step for your interest when M[elville] was gott removed from him, and if his sones or any of them could be gott removed from their employments, it would be ane other good on. We were in hopes that R[aith], who is a mettled man, should haue been out of employment ere now, for it was talked he was to demitt, having mett with something like ane affront, as he thought. Some hoped likewise that L[even], who is somewhat high and warm, should have been disobliged by haveing a deputy-governour imposed upon him without his knouledge and consent, and his regiment taken from him, tho of any Scotsman he had haizarded most for King William, for considering this and the great offers he refused from your Majestie, it would seem he resolved not to be disoblidged. By which it would appear that the children are alse biggott as the father, whom no man can gaine but to that which he himselff thinks to be right. Its good he is of so uncomplacent a humor, else he might have had more interest with his king still then he hes.

I humblie differ from your Majestie as to your opinion of M[elville] as to his being so wise a man that you need to fear him; and as to King Charles opinion of him, it might proceed from a mistake and not being throughly accquainted with him. Its true he is a reserved man, and Solomon tells, a fool when he holds his peace is counted wise. As for his carriage in all the plotts that he could never be reached, and his aversion from Monmouth and Argyles busines, this is not simply to be imputed to his great wisdom or forsight. The last may have proceeded from pick or emulation, as that he would not alltogither follow but rather lead, and might be dissatisfied that his advice was not soon enough asked nor enough taken in Argyles enterprize; and as to the Duke of M[onmouth], the difference then betuixt him and his Dutches, who is M[elville's] relation, might be the reason. Besides, his carriage might proceed from too great warrines and fear. You see he came not over with the Prince of Or[ange,] tho he was, without doubt, accessorie to his designe; and for myselff, I did indeed atribute all that was called his witt to his warrienes and timerous disposition till his carriage in parliament 1690, tho both I and others took wayes, both at that time and before, to affright him, besides our endeavours to make things heavie to him; yet all would not doe, and became successfull beyond expectation. But much of this might proceed

from good luck more then good guyding, tho it must be accknouledged he managed with more clossnes, steadienes and firmnes then we did imagine, and was luckie in his discoveries, which broak all measures. But grant he were so wise a man, tho I think his son R[aith] beyond him for pairts, your Majestie needs not apprehend him much (for gained he cannot be), neither need you be anxious about it, for if he be wise he will never think it his interest to goe burn his fingers again and expose himselff to no purpose, for in the station he is in, as he is yoaked he cannot doe much, for neither of the seccretarries have any kindenes for him, but rather are jealous, and will doe all they can to keep the king from ever employing him further then at present.

But to return. If there should be any rysing amongst some biggot people, which can be aprehended nowhere but in the west of Scotland, it may probablie tend to the good rather then prejudice of your Majesties interprize; for a mob without a head signefies nothing. Besides, even in that country your Majestie wants not aboundance of friends amongst the nobility and gentry, and some of these even of the peoples own persuasion.

But for preventing any such comotion your declaration would be rightly and cautiously worded and your indemnity large, and few or none excepted, to take away all jealousies and prevent dispair, for wayes enough may be found afterwards to reach any you have a minde to.

And rather then chalange and upraide any for their carriage, to regrait their being seduced and misled, so that when people begin to entertain some hope of mercy, and small hopes of any security if they shall make any opposition, it may make the most bigott to sitt still.

If L[even] could be gott removed from the castle of Edinburgh, and the same putt in any other mans hand that may pretend to it, there might be hopes of gaineing it, which would make your busines easie. There hath been endeavours used at a distance to sound his inclinations, but all to no purpose.

The reasons of my being of ane other opinion then I was formerly, are the chainge of circumstance. If your friends could all have been persuaded to take their places in parliament in anno 1690, your interest could have been caryed on in a parliamentarrie way, but this severalls could not be brought to. Nixt, when I advised that the impression should have been made on the west of Scotland, your Majesty was then maister of most pairt of Ireland, so the busines did seem easie, when the prince did designe over there with most of his forces, I advised the impression might be made from Dunkirk, as more easie to be accomplished then by sending any assistance from France or Ireland by the west sea. But the assistance promised, both of men and money, failing, and the discouraging

news of the defeat of your Majestys forces at the Boyne first, and then at Cromdaile, comeing to your friends ears, damped them much, and our designe discovered ere we knew therof, disapointed the whole. What we expected from the north of England also failed, which discouraged those with us from appearing who were readie. Now I am of opinion that much less then halff of the force I then proposed would be sufficient when any such enterprize shall be adjusted, only the provisions of money and armes would be larger then formerly was desired. As to Scotland, I am of opinion the impression should be made from the east sea, some place neer the Sound, which, if rightly manadged, may be done without observation and in a short time. But there needs no precipitation, your interest being still growing; only your Majesty must have patience untill the French councills think fitt to give you assistance, and till matters be rightly adjusted betuixt them and your friends in England. As for what relates to England, I leave it to the Earle of Midletoun, and shall give your Majesty or him account what I shall learn.

I shall likewise be satisfied if you think fitt to discourse with some of the French ministers, and I doubt not but if it be made appear to them that a tenth pairt less sum then they are obliged to expend otherwise, may be of more advantage to the interest if bestoued on Scotland, but they will listen to it. Its my opinion that when your Declaration shall be readie to be published, the French king should emitt ane other in favours of Scotland, reneuing and ratefeing all the old priviledges that those of that nation did enjoey in France, which would much take with that country, they not haveing that antipathy at the French which the English have, but rather a kindenes for them. This many would be ready to grasp at, as they did at the union with England four or five years agoe, which was proposed for your service by some.

It would likewise be of advantage if there could be ane order gott to discharge Du Bart and those under him from troubling the Scots ships which trade towards the Sound, unless it were some nottoriously disafected persons, for there are many honest maisters of ships and tradeing merchants that suffer by the loss of trade, and the cargow of these ships that trade in these seas is of no considerable value, so the loss would be but small, and this would serve to ingratiat you with the people, while their grumbling and grudging doeth still containue against England for being denied of frie trade.

Besides, by this there might be Scots bottoms gott for your service when needfull and might be fraughted on other pretences.

Its not to be imagined but England will beginn to weary at last with this so expensive war, and may come to weary of giving money; houever, the

raising of such vast sums from the people, with the decay of trade, will occasion grumbling.

The prince is so intent in carying on this war against France that its thought he mindes not other things so much, and his eagernes in that will occasion his exposing of his person more then others will think necessarrie or fitt, and so he may either come to fall in his interprize or precipitat himselff in some inconveniencie, which, if it should fall out, would probablie dissolve the confederacie, and so you would have a very faire game.

Its true the princess is popular and well beloved amongst the people, but tho she should oppose your Majesties restouration as formerly (as its hoped she will not if she see the difficultys great); yet she is but a woman, and cannot be in all her kingdomes at once, nor act and travell as a man could doe to suppress disorders timeously. Good officers who are popular and zealous against your interest are wanting, and nominall ones are not much valued.

If things once should but take a turn they might run as fast to the on ballance as formerly they did to the other, for all men act not by principall but most by interest, and its often seen that when people beginn to be disatisfied and to apprehend chainges even those who have been very fordward in a course strive to gett off to the other side on the formost horse.

Another thing I would advise is that seing we missed of getting the parliament of Scotland disolved through so many of your friends refusing to qualefie themselves either to elect or be elected, is that when ever the parliament shall meet, your friends may be proposers, at least chieff promotters of a large supplie, and if they could gett it caryed for life, etc., it were so much the better, for then there would be no need of frequent meetings of parliament from sitting, quherof (as they are yet constitute) most opposition may be to your designes.

From this severall advantages will flow, they will gett more credit with the prince, and any who would oppose will be the worse lookt on by him.

Then the greater the burdens be that are laid on the country the greater will be the grumbling of the people, especiallie if they think their money misaplyed, and your friends will be the better furnished with arguments to misrepresent the government, and to hold furth to the people that tho they chainged governours yet not the way of governing, that their burdens are greater then before quhen there libertys were encroached upon, especiallie as to the Church, so better to have back their old maister again, who no doubt haith learned now by experience to help and redress many things formerly grivious, I say rather then to serve a strainger who hes studied to serve himselff of them, and entrusted straingers, and is managed by their councills who had acted so soon against his own Declaration,

and in stead of redressing grivances hes employed severall of those persons who were the chieff actors in the late times.

The difference betuixt the tuo sisters is of use.

We have not failed in many of the projects we laid doun for your service, but of that in getting the commons of the west of Scotland (a most bigott people) disarmed, which we were once in hopes of, and seing that would not take, we have not been wanting to agrivat their disapointments as to the Church, which is their Dagon, so its to be hoped their zeale will cool by degrees.

I question not but your Majestys friends in England will have ane eye upon Bervick and Carlisle, and endeavour what they can to make ane interest both in the touns and garrisons, for the carying or surprising of these would be of great advantage to your Majestys interest.

167. WARRANT to receive the EARL OF HOME as a prisoner in Edinburgh Castle. 1st March 1696.

YOW are hereby ordered to receive into the castle of Edinburgh the Earle of Hume, and to keep him in custody till further order. For doing wherof this shall be your warrand. Given at Edinburgh, the first day of March 1696.

TWEEDDALE, Cancel.

To the Earle of Leven, governour of the castle of Edinburgh, or in his absence to the next commanding officer.

168. INFORMATION by SIR JOHN M'LEAN about a proposed Jacobite rising. Memoranda of his statements to Lord Leven. *Circa* 1703.[1]

The substance of Sir John M'Lean's discourse with me.

IN July 1702 the Lord Lovat came to France, and told Sir John M'Leane that he had matters of great importance to comunicatt to the late queen, but befor he wold tell them he required a promiss from her not to reveall anything of what he said to any of her ministers, which she did make him; and therupon Sir John M'Lean carryid him to the queen, as he did afterwards by her direction to Monsieur Torcy, to whom, as he had befor to the queen, he said that he was come from Scotland, perticularly from the Highlands, wher he had discoursed with many heads of clanns, perticularly Stuart of Appin, Sir Ewin Cameron, Sir Don. M'Donelld, and others, from whom he brought assurances that they wold rise in

[1] This paper appears to have been written by Lord Leven's direction about 1719, or after the death of Queen Mary d'Este.

armes with 10,000 men, if they wer asisted from France with money and armes and troup[s], to suport and protect them in getting together. Monsieur Torcy, after comunicating this to the French King, and some defficulty of sending men, assur'd them that his master wold furnish them with money and armes, and also men, so soon as his affairs wold admit of the last, and the number agreed upon was 5000, which wer to be transported from Dunkirke, and landed at Dundee, from whence the march was short and easy to the foot of the Highlands, to which, if need wer, they might retrat, and in the mein time might make a stand, and oppose any of the queen's forceses that might be sent against them, and give time and opportunity to the Highland clanns to assemble and come to them, and form and increase the armey to be super[i]our to all the queen's forces in Scotland, and to facilitat this designe, 500 men mor to be sent from Brest to and seize the fort of Innerlochy, which could not resist cannon, being commanded by hills near it. This wold give security to ships coming into the river, and be a meins to convey supplys of all kinds from tim to tim as ther should be occasions. The execution of this project was delayed partly, as has been said, because the French king could not spair his troups, partly because his fleet was not in a condition to oppose us, and then the men he sent wold be lost, if they could neither be seceured nor brought off, and partly because he did not entirly rely on the Lord Lovet's information and assurance, and partly that he might see the event of the Scotch parliament, which also he might judge of the temper and disposition of the Scotts, as well as by some further enqueiry which he resolved to make. And in ordor to it, he had thoughts of sending some Frenchmen to Scotland with Lord Lovet, to bring a just accompt of what might be expected from them; but the hazard of a Frenchmans being discovered by his language, the difficulty of his making enquiries for want of the Scots language, and the easiness of deciving him by shewing fals parsons to him under the heads of clanns, deverted him from this thought, and therfor Lovet was sent backe in May last, with Captain Fraser, and Captain John Murray, who had long bein in the French service, with ordors to come backe as soon as the Scotts parliament was ended, with destinct accompts of the inclinations of the S[c]otts, and what ther number wold be which might be relyd on to joyn with the French, and at Sir John M'Lean's coming from Paris they wer expected backe, but wer not returned. But upon the accountt they should bring depended the operation of this designe.

Besids this Captain Murray, ther was another James Murray who was sent to Scotland, with ordors to speak with Duke Hamilton (to whom on Bell had bein sent befor, with like directions, and dyed in Holland), and to engage him in the intrest of Franc[e] for the suport of the Prince of Wales. Ther had been other

messages sent to him, but the queen told Sir John M'Lean she had had no answer, and therfor ordered Sir John M'Lean to sound Duke Hamilton, and if he found him disposed to her servic[e], then, and not otherways, to communicat to him this project. This he was also to doe to the Lord Athol and Lord Marshall. Sir John M'Lean sayd also that Stevenson, a banquier, was formerly sent to Duke Hamilton, and at his return was put into the Bastill, which they thought was occasioned by the Duke Hamilton's trusting him, and to prevent his discovery, Duke Hamilton being cautious of speaking with any that came from St. Germains, when the factions wer so great that nothing was secrett, and therfor wold send by parsons of his own choosing. Being asked how he knew thes persons wer so sent, he answered that the queen told him so.

He said he saw severall Scotts gentlmen in France in the tim of peace, perticularly the Lords Montrose, Hay, Seaton, Roxborow, who disired to pay ther respects and wait on the late king, but [he] refused them, saying it wold be known, and might do them harm, and he was enough assured of ther fidelity and good inclinations without that ceremony.

He dos not know the particular errand of David Lindsay, but says he has been severall tims sent into Scotland. He says Lindsay was the man who carry'd the draucht of a letter prepared by the Lord Dundee and others for the late King James to signe, and send to the convention of estats, with ordors to deliver it to non but King James himself; but was deluded by Lord Melforts, who prepared a differant leter, and supp[ressed] this. He says this story he had from my Lord Dundee himself. Ther is on Mrs. Fox in custodie who came over with Sir John M'Lean; she was a great freind of Lord Melforts, and after his disgrace turned to the other syd, and has been all along a very intriging woman.

169. Route for a Company of Horse Guards from Nottingham to Berwick. 3d July 1707. (Copy.)

Rout for a cornet or lieutenant and thirty men of the Royal Regiment of Horse Guards from Nottingham to Berwick.

Tuxford.

Doncaster.

Sherborn.

York. . . . . where they are to rest untill the arrival of a like party of the said regiment coming from London, from whom they are to take the money the said party shall bring along with them under their charge, and convoy the same to Berwick by the following rout:

Boroughbridge.
Northallerton.
Darlington. To rest the Sundays and every third or fourth day on their march
Durham. as the cornet or lieutenant shall see cause.
Newcastle.
Morpeth.
Alnwick.
Belford.
Berwick, . . . where they are to deliver over the said money into the charge of Lieutenant Colonel George Douglass, who is major to the Lord Polwart's Regiment of Dragoons, and appointed to command the party that is to convoy the same to Edenburg. But in case the said guard shall not be ready to releive this party immediately upon their arrival at Berwick, they are then to proceed directly for Edenbourg. H. ST. JOHN.

Whitehall, 3d July 1707.

170. WARRANT to apprehend the DUKE OF HAMILTON. 8th March 1707-8.

THESE are in her Majesty's name to authorize and require you to make strict and diligent search for the person of the Duke of Hamilton, and him having found, to apprehend and seize for suspicion of high treason and treasonable practices, and to bring him in safe custody before us, to be examined concerning such matters as shall be objected against him relating to the premises, and to be further dealt with according to law. In execution whereof, all lords lieutenants, deputy lieutenants, governours of castles, sheriffs, bayliffs of regalities, stewards of stuarties, justices of the peace, mayors, provosts, and all officers, civil and military, and other her Majesty's loving subjects, are to be aiding to you; and for so doing this shall be your warrant. From the council chamber at Kensington, the 8th day of March 1707.

MARLBOROUGH. COWPER, C.
MONTROSE. GODOLPHIN.
SUNDERLAND. DEVONSHIRE.
MAR. PEMBROKE, P.
H. BOYLE. SEAFIELD.
LOUDOUN.

To our very good lord, David, Earl of Leven, lieutenant generall and commander in cheif of the militia and of all other her Majesty's forces in that part of Great Brittain called Scotland.

171. WARRANT to apprehend the DUKE OF GORDON.
8th March 1707-8.

THESE are in her Majesty's name to authorize and require you to make strict and diligent search for the person of the Duke of Gordon, and him having found, to apprehend and seize for suspicion of treason and treasonable practices, and to bring him in safe custody before us, to be examin'd concerning such matters as shall be objected against him relating to the premises, and to be further dealt with according to law. In execution whereof, all lords lieutenants, deputy lieutenants, governours of castles, sheriffs, bailiffs of regalities, stewards of stuarties, justices of the peace, mayors, provosts, and all officers, civil and military, and other her Majesty's loving subjects, are to be aiding to you; and for so doing this shall be your warrant. From the councill chamber at Kensington, the eighth day of March 1707.

MARLBOROUGH.	GODOLPHIN.
COWPER, C.	DEVONSHIRE.
MONTROSE.	PEMBROKE, P.
SUNDERLAND.	LOUDOUN.
MAR.	SEAFIELD.
H. BOYLE.	

To our very good lord, David, Earl of Leven, lieutenant generall and commander in cheif of the militia and of all other her Majesty's forces in that part of Great Brittain called Scotland.

172. WARRANT by the PRIVY COUNCIL to receive the DUKE OF GORDON and others as prisoners in Edinburgh Castle. 24th March 1708.

ATT Edinburgh, the tuenty fourth day of March J^m^ vij^c^ and eight years. The Lords of her Majesties privie councill doe heirby recomend to the Earle of Leven, constable and governour of the castle of Edinburgh, to receave the persons of the Duke of Gordon, the Earle of Murray, the Earle of Traquair, the Earle of Seafort, the Viscount of Kilsyth, the Lord Sinclar, the Lord Belhavin, Sir William Bruce, and Livtenant Collonell Balfour of Fairnie, prisoners in the castle of Edinburgh, and to detain them prisoners therin till furder orders of councill; and this shall

be your warrant purswant to her Majesties letter direct to the saids lords for that effect, dated the nynth of March instant. S. JA. STEUART, P.

JA. MURRAY.	ROTHES.	CROMERTIE.
AD. COKBURNE.	HADINTON.	ROSEBERIE.
W. ANSTRUTHER.	NORTHESK.	ILAY.
ALEXR. CAMPBELL.	BELCARRES.	YESTER.
GILB. ELIOT.	FORFAR.	HADDO.
ALLXR. OGILBIE.	RUGLEN.	CARMICHAELL.
JAMES ERSKINE.		ROSSE.
RO. SINCLAIR.		
ROT. DICKSON.		

173. WARRANT to apprehend the DUKE OF GORDON. 30th March 1708.

THESE are in her Majesty's name to will and require you to take into your custody the body of the Duke of Gordon, delivered unto you for suspicion of high treason and treasonable practices, and him to keep in safe and close custody untill he shall be discharged by due course of law. For which this shall be your warrant. From the councill chamber at St. James's, the 30th of March 1708.

PEMBROKE, P.	SOMERSET.
	QUEENSBERRY.
SUNDERLAND.	MONTROSE.
	MAR.
SEAFIELD.	LOUDOUN.

174. LIST of PERSONS for whom Warrants were issued. 1708.

A LIST of persons taken up, and who are nou under confynement by order of the Earle of Leven, and for uhom he hes particular uarrands from the counsell of Great Brittaine, both for seazeing of their persones and keeping them under confynement.

2 The Duke of Gordoune
1 The Marquiss of Huntley.

1 The Earle of Seafoorth.
The Earle of Traquair.
1 The Earle of Nithsdaill.
1 The Lord Drummond.
2 The Viscount of Kenmour.
The Earle of Erroll—sicknes.
1 The Earle of Marsheall.
The Earle of Abberdein—old age.
1 The Viscount of Kilsyth.
1 The Viscount of Stormonth.
1 The Lord Nairne.
2 The Lord Belheaven.
The Lord Sinclair.
The Earle of Murray.
The Lord Saltoun.
2 Forthringhame of Poury.
2 Lyon of Auchterhouse.
2 Grahame of Fentry.
Sir William Bruce of Kinross—old age.
The leat Bishop of Edinburgh—lownes of fortune.
The Lord Balmerino.
Mr. Dougall Steuart.
2 Robertsone of Strouan.
Sir John M'Lean.
Sir Euan Cammeron of Lochyell—old age.
Moir of Leckie—sickness.
1 The Laird of Carden.
2 Lord James Murray.
Cammeron of Lochyell, younger.
Sir George Maxuell.
Mushett of Callichatt—lownes of fortune.
1 Murray of Polmays, elder.
2 Steuart of Stannachie.
2 The Laird of Touch.
1 Sir Donald M'Donald.
2 M'Donald of Keppoch.
1 Robert Murray, brother to Abercairny.
Steuart of Appine.

2 Edmistoune of Neutoune.
2 The Laird of Kippindavie.
1 The Laird of Keir.
Leivtenent Collonell Balfour—lownes of fortune.
The Laird of Saltoune.
Steuart of Boigs.
2 Gordoune of Gallachie.

Sicknes, The Duke of Atholl. / The Earle of Strathmoore. / The Earle of Broadalbine. / Broune of Bishoptoune. — Att home in their oune houses by reasone of sickness.

Mr. Charles Fleming. / The Laird of Glengary. / Gordoun of Buckie. / James Malcome. — These are not yett apprehended, but still absconds.

Robertsone of Straloch. / Patrick Scot, writter. — Sent on board of Sir George Bing.

Captaine of Glenronald. — I supose may be at Fort William be this tyme.

A list of some persons citted in by the privy counsell, or putt in prison by their order.

Major Generall Buchane. / Innis of Coxtoune. — These all, except Coxtoune, are under confynement.

Campbell of Glenderrule. / The Laird of M'Nauchtan. — Coxtoun hes not yett appeared.

175. CERTIFICATE that the EARL OF BREADALBANE could not be apprehended because of infirmity. 20th March 1708.

WEE, Patrick Campbell and Finlay M'Nivan, servitors to the Earle of Breadalbane, doeth hereby declair that Livtenant Collonell Campbell off Fonnab, did, in our presence, require the said earle to deliver himself up to him, to be brought to Edinburgh, conforme to the Earle of Levens orders directed to him, and that the earle ansuered that he was in no conditione to give obedience to the said orders by reason of his seekness and indisposeitione, soe that he was not able to goe out of his romes. In witness whereof, wee have subscribed thir presents at Taymouth, the 20th day of March 1708.

P. CAMPBELL.
FINLAY M'NIVAN.

176. Account by Lieutenant Robert Campbell of his search for the Duke of Athole and others. 23d March 1708.

In obedience to the ordors I receaved for searching for and conducting the persones of the Duke of Athole, the Viscount of Stormont, the Lord Nairne, and the Lord Drummond to Edinburgh, I went from Stirling upon Wednesdays morning, the 17th instant, to the castle of Drummond, where I mett with my Lady Drummond, and I enquyred for my lord, and my lady told me that my lord was not att home, nor had been for severall dayes past, excepting that last night, and that he went away again that morning, but could not tell whither he went. From thence I went straight to Stormont, wher I mett with my Lady Stormont and the master, and was informed by them and severall others that live theralbout, that my lord was not att home, but had gone away that morning before I came there, which was on Thursday the 18th instant. And on the same day I went to the house of Nairne, wher I also mett with my Lady Nairne, who told me that my lord was att Paisslay. The next day, being Fryday the 19th instant, I sett forrward from Dunkell to the Blair of Athole, wher I gott notice the Duke of Athole was; and being come there I was told my lord was in the castle, and haveing mett with Cornett John Murray, I desired him to accquaint my lord duke that I was come there and had ordors to speak with his grace. Accordingly Cornett Murray went and brought me back word that my lord duke desired I would send in my ordors to him, that he might see the same; upon which I took out my ordors out of my pocket and shewed them to the said Cornet Murray and allowed him to read the same, who, after reading therof, went back to the duke and returned the second tyme with this answer, that the duke said he was not obleidged to answer the Earle of Leven's ordors, or some such words to that purpose, and that he would not allow of any dragoons to come within his gates; notwithstanding of which I went with the said Mr. Murray to the gate of the castle wher severall persones wer standing, and haveing knocked thereat was refused access, but was told through the gate without oppening of it that my lord duke was indisposed, and would allow noe access to him; whereupon I returned back to my garrishon where the troops lye, with the two dragoons that wer alongst with me att all the forsaids places. But after I left the Blair of Athole and was some myles gone from itt, I gott notice that the Viscount of Stormont and the Laird of Strwan Robertsone wer in company with the Duke of Athole att the tyme I was there. I also acquainted the Lady Drummond, the Lady Nairne, and the Lady Stormont, when I was att these places, what my ordors wer, and was allowed by

them to make what search I pleased. This is signed by me att Edinburgh, the tuenty thrid of March 1708. Ro. CAMPBELL, Liv^t.

177. WARRANT to send the prisoners from Edinburgh to London. 15th April 1708.

THESE are in her Majesty's name to authorise and require you to cause all the prisoners now in custody in Scotland for suspicion of high treason and treasonable practices, or that shall be apprehended there for suspicion of high treason or treasonable practices, by what warrant soever, upon the occasion of the late intended invasion, to be forthwith sent up hither, under a safe guard, in order to their examination, Andrew Fletcher of Salton, Esqr., only excepted. And for so doing this shall be your warrant. From the council chamber at Kensington, the 15th day of April 1708.

COWPER. C.	PEMBROKE, P.
SEAFIELD.	SOMERSET.
MONTROSE.	QUEENSBERRY.
RADNOR.	SUNDERLAND.
TOWNSHEND.	LOUDOUN.
MAR.	BERKELEY.
J. HOLT.	CONINGESBY.
T. COKE.	C. HEDGES.

To our very good lord, David, Earl of Leven, Lieutenant General and Commander in Chief of the Militia, and of all other her Majesty's Forces in that part of Great Britain called Scotland.

178. LIST of Prisoners sent to London. April and May [1708].

A LIST of prisoners sent from Edinburgh to London; and those that went away on the 30th of Aprill are as followes:—

The Marquiss of Huntley.
The Earle of Nithsdaill.
The Earle of Seaforth.
The Lord Drummond.
The Viscount of Kilsyth.
The Viscount of Stormonth.
The Lord Nairne.

Sir George Maxuell.
The Laird of Pollmays.
Robert Murray, brother to Abercarnie.
The Laird of Keir.
The Laird of Carden.
Sir Donald Mackdonald.

Those that went away the 7th of May are as folloues :-
The Duke of Gordoun.
The Viscount of Kenmour.
The Lord James Murray.
The Laird of Poury.
The Laird of Auchterhouse.
The Laird of Struan.
The Laird of Touch.
Steuart of Tannachie.
Mackdonald of Keppoch.
Edmistoune of Newtoune.
The Laird of Kippendavie.
Gordoune of Gallachie.
Steuart of Boigs.

Those that went away the 14th of May are as folloues :
The Earle of Murray.
The Earle Marsheall.
The Earle of Traquair.
The Lord Belheaven.
The Lord St. Claire.
Sir John Macklean.
Cammeron of Lochyell, younger.
Steuart of Appine.
Major Generall Buchane.
Campbell of Glenderrule.

172. DEATH-BED DECLARATION by DAVID, EARL OF LEVEN, that certain charges made against him by JAMES FRASER of Culduthell were false. 8th March 1719.

I, DAVID, Earle of Leven, being at present under sickness and indisposition of body, but of intire memory and judgement, and not knowing what the event of

my present sickness may be, or if I shall recover my health, so as to have ane opportunitie of vindicateing myself from the aspersions throwen on my honour and integritie by the person after named, doe therefore, in the presence of God, and of my friends and others after mentioned, testify and declare that the accusations laid to my charge in ane affidavit emitted by one James Frazer, third sone to Frazer of Cullduthell, at London, some short time after his present Majestie King George his accession to the throne, wherin I ame charged with corresponding with the late Earle of Perth to the prejudice of the government I then had the honour to be trusted by, is altogether false and groundless, and that the letters therin said to be written by me, with one inclosed written by Simon Frazer of Beaufort, now Lord Lovat, to me, in prejudice of the Pretenders interest, and said to be showen by my Lord Perth to the said James Frazer, never were written by me, or any other person at my desire, or with my knowledge, or any letter of the said Simon Frazer's, now Lord Lovat, transmitted by me to the Earle of Perth, I never haveing written to or corresponded with the Earle of Perth directly or indirectly since his departure from Scotland at the Revolution; and all this I declare to be trueth before God, and doe sign the same in presence of Andrew Melvill, doctor of medecine, Robert Hay of Struie, doctor of medecine, James Mackgill of Rankeillor, Alexander Melvill of Balgarvy, Captain Neill Mackcleod, late of his Majesties Third Regiment of Foot Guards, and John Edmonstone, writer in Edinburgh, and of this declaration at my earnest desire, before all whom I did emitt the same, at Balgony, this eight day of March, one thousand seven hundred and nineteen years. LEVEN.

A. Melvill, witness.
Robert Hay, witness.
J. Makgill, witnes.
Al. Melvill, witness.
Neill MacLeod, witness.
John Edmonstone, witnes.

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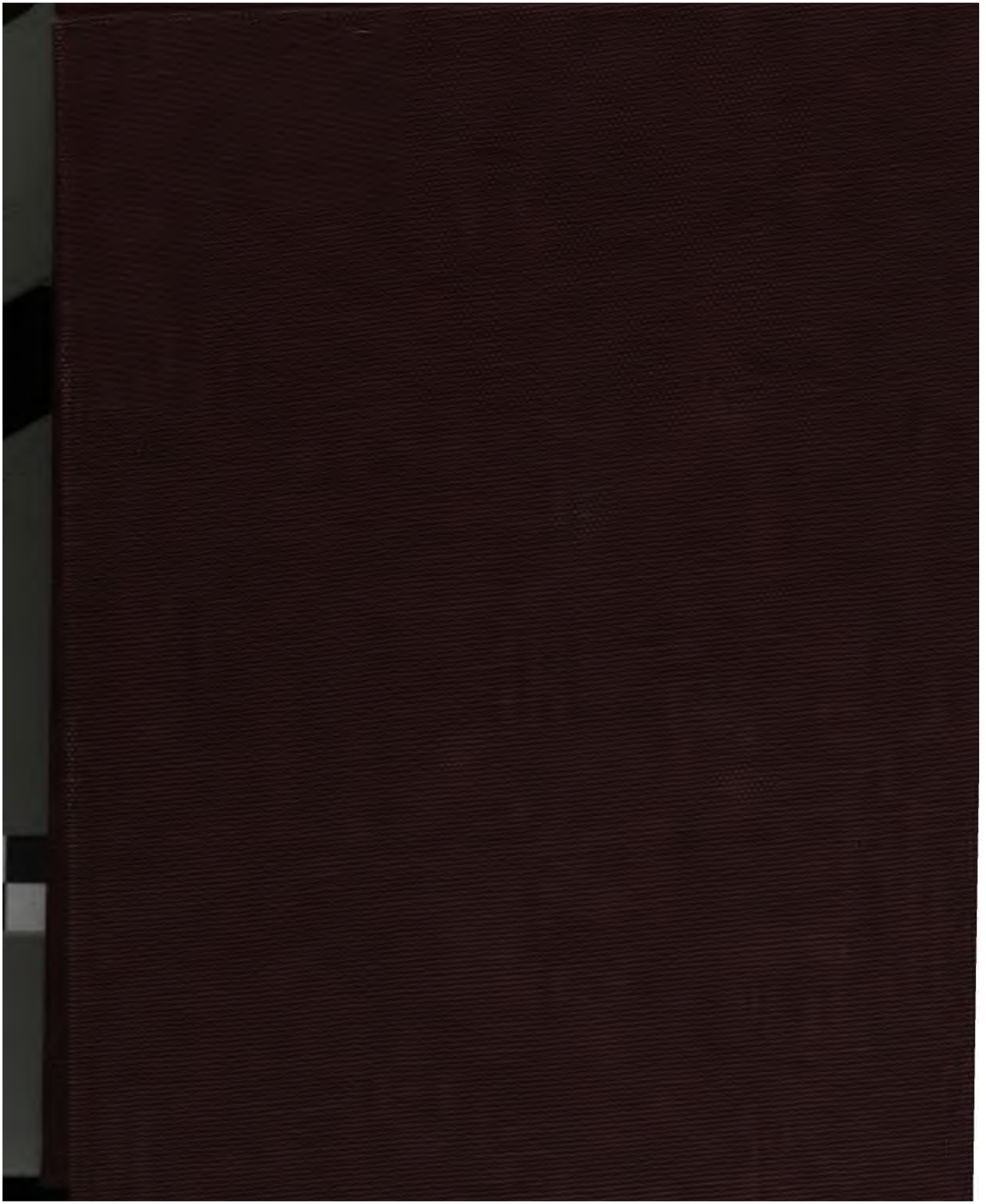
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